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March 30, 2007

Box TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: *House of Blues Brands Corp. v. Celebrities Publishing Corp.*  
Consolidated Opposition Nos. 91165876; 91165899; and 91165901  
Mark: IN ROCK WE TRUST  
Our Reference No. 064163.0064

Dear Madam:

Enclosed please find the following documents in connection with above-referenced opposition proceeding:

- Opposer's Notice of Reliance on Rule 30(b)(6) Discovery Deposition;
- Opposer's Notice of Reliance on Applicant's Response to Opposer's First Set of Interrogatories;
- Opposer's Notice of Reliance on Printed Publications; and
- A return receipt acknowledgment postcard.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in any fees to Deposit Account No. 01-0477.

Respectfully submitted,



Daniel Moffett

Enclosures



04-10-2007  
U.S. Patent & TMO/TM Mail Rcpt Dt. #72

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOUSE OF BLUES BRANDS CORP.

Opposer,

v.

CELEBRITES PUBLISHING CORP.,

Applicant.

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Mark: IN ROCK WE TRUST

Consolidated Opposition Nos.  
91165876; 91165899; and 91165901

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**OPPOSER'S NOTICE OF RELIANCE ON PRINTED PUBLICATIONS**

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Opposer, House of Blues Brands Corp., pursuant to 37 C.F.R. § 2.122(e), relies on the following three printed publications that are available to the general public and were obtained from the NEXIS computerized library:

1. *Services for Vaughan Friday*, USA Today, Aug. 29, 1990, at 2D.
2. *Bluesy Rock Concert a Tribute to Legacy of Stevie Ray Vaughan*, Chicago Tribune, Oct. 8, 1991, at 18.
3. *Recalling Wild Days of Stevie Ray Vaughan*, Chicago Sun-Times, July 16, 1993, at Section 2, Page 4.

These articles are relevant to show similarities between the parties' respective goods and the similarity in meaning between the parties' marks. These articles may also be used for impeachment purposes.

Photocopies of the foregoing articles are attached hereto, and marked as House of Blues Brands Corp. Trial Exhibits 155, 156, and 157, respectively.

Respectfully submitted,

Date: 3/26/2007

By: [Signature]

Kirt S. O'Neill, Reg. No. 38,257  
Daniel Moffett  
Marissa Lawson  
AKIN GUMP STRAUSS HAUER & FELD LLP  
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San Antonio, Texas 78212  
Tel. 210.281.7106  
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ATTORNEYS FOR OPPOSER

### CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposer's Notice of Reliance on Printed Publications was served on the following counsel this 26 day of March, 2007, via regular U.S. Mail, postage pre-paid:

Robert Carson Godbey  
Jess H. Griffiths  
Chad M. Iida  
GODBEY GRIFFITHS REISS CHONG  
Pauahi Tower, Suite 2300  
1001 Bishop Street  
Honolulu, Hawaii 96813

[Signature]  
Daniel Moffett

### Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Box TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Name of Person Signing Certificate: Michele Patterson

Signature: Michele Patterson

Date of Mailing: 3/30/07



13 of 99 DOCUMENTS

Copyright 1990 Gannett Company Inc.  
USA TODAY

August 29, 1990, Wednesday, FINAL EDITION

**SECTION:** LIFE; Pg. 2D

**LENGTH:** 70 words

**HEADLINE:** Services for Vaughan Friday

**BYLINE:** Edna Gundersen

**BODY:**

A public gravesite service for blues guitarist Stevie Ray Vaughan, who died Monday in a helicopter crash, will be at noon Friday at Laurel Land Funeral Home in Dallas.

Vaughan's family has been overwhelmed by the public's "outpouring of love," publicist Charles Comer said Tuesday.

Donations: Stevie Ray Vaughan Charitable Funds of the Communities Foundation of Texas, 4605 Live Oak, Dallas, Texas 75204.

64 of 99 DOCUMENTS

Copyright 1991 Chicago Tribune Company  
Chicago Tribune

October 8, 1991, Tuesday, CHICAGOLAND NORTH EDITION

**SECTION:** NEWS; Pg. 18; ZONE: C; OVERNIGHT

**LENGTH:** 273 words

**HEADLINE:** Bluesy rock concert a tribute to legacy of Stevie Ray Vaughan

**BYLINE:** By Dave Ferman, Ft. Worth Star-Telegram

**DATeline:** DALLAS

**BODY:**

On record and in numerous interviews, Stevie Ray Vaughan always came across as a dedicated, no-nonsense student of the blues who played with direct, honest emotion and let others sing his praises.

Vaughan, of course, is gone, but that unpretentious spirit was alive last week in his old Oak Cliff stomping grounds as more than 600 people celebrated what would have been his 37th birthday with just the right mixture of respect for what he'd done and simple, infectious enjoyment of Texas shuffle blues-rock.

The Stevie Ray Vaughan Children Look Forward to a Future Second Annual Concert, held at the Texas Theatre, was as excessive as its title. The Stratoblasters, the Doyle Bramhall Band, Snookie Duke and the Roadrunners, Marc Benno and the Weebads - plus numerous guest musicians - boogied for more than six hours, and the evening-ending jam didn't even start until well after 12:30 a.m. Friday morning.

But the music, by and large, was excellent Texas blues, and the cause - the proceeds went to the Stevie Ray Vaughan Scholarship Foundation, which will assist Dallas high school musicians - was as fitting as the sweet, folksy stories about Vaughan that his uncle, Joe Cook, told about halfway through the evening.

The money raised, said committee member Pam Mount, will go to "a Dallas student who wants to pursue a musical career. The needs will be determined by the parents of the youth and the foundation. This will start the money in the foundation, and then it'll grow. We need to have the guidelines approved by the Vaughan family and the foundation directors - the concert is really like giving birth."

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Copyright 1993 Chicago Sun-Times, Inc.  
Chicago Sun-Times

July 16, 1993, FRIDAY , FINAL MARKETS

**SECTION:** SECTION 2; FEATURES; Pg. 4

**LENGTH:** 558 words

**HEADLINE:** Recalling Wild Days of Stevie Ray Vaughan

**BYLINE:** Susan Whittall

**BODY:**

Stevie Ray Vaughan did nothing halfway.

The blues guitarist, who died in a helicopter crash in Wisconsin in 1990, was famous for his over-the-top technique. His addictions were well documented, and his thirst for Crown Royal and cocaine was as intense as his love of the blues.

And although his sweet nature was legend even before he gave up drugs and liquor, he was hardly a tin saint while knocking around the musical hotbed of Austin, Texas, in the '70s.

It's all there in Stevie Ray Vaughan: Caught in the Crossfire (Little, Brown, \$ 19.95), written by two chatty Texans, Joe Nick Patoski and Bill Crawford, and just published.

"He had his foibles and frailties," says Patoski, calling from a pay phone in Houston in the midst of a "Spinal Tap-esque" book tour.

"He didn't own a car or have a place to live. He depended on the kindness of strangers. If someone offered him something for free, he might take a little more of it than he should. He was not the best at repaying debts. Yet in spite of all that, he was a pretty good-hearted guy."

Patoski, a senior editor at Texas Monthly, has written for Creem and Rolling Stone. Crawford is a music writer and radio producer.

Besides encompassing the seamy details about Vaughan's lifestyle, the book is eloquent on the subject of his music: why he came to surpass his older brother Jimmie (of the Fabulous Thunderbirds) on the national stage and why so many of the older blues musicians he revered came to love him so much.

Although Crawford and particularly Patoski had known Vaughan and most of his friends for years, the writers ran into a major road block: Jimmie Vaughan, acting as the executor of his brother's estate, had chosen another writer to do the authorized biography.

So Jimmie; his mother, Martha Vaughan; and the members of Stevie Ray's band, Double Trouble, wouldn't talk to Patoski or Crawford.

"Being unauthorized really gave us an incentive," says Crawford, who is in the same phone booth with Patoski. "It gave us something to work against, and it made us work fairly rapidly."

Although both writers think their book has a harder edge because it wasn't authorized by the estate, they consider their work evenhanded.

## Recalling Wild Days of Stevie Ray Vaughan Chicago Sun-Times July 16, 199

"I don't think it's mean-spirited," says Patoski.

"I like to think of it as the definitive biography. Everyone will now have to revise this biography. And there'll be more."

The book depicts the Vaughan brothers' relationship as a troubled one. Stevie Ray endured an awkward, guitar-crazy boyhood in Oak Cliff, a tough, rather seedy, working-class suburb of Dallas.

Stevie was a vulnerable soul who idolized his brother, couldn't keep his hands off Jimmie's guitar and was soundly thrashed every time he was caught.

The story of how Jimmie, the teenage Dallas rock star, came to be superceded by his rather pathetic little redheaded brother is a fascinating one.

And the fact that the eclipsed older brother now controls his sibling's estate is an irony that isn't lost on anyone.

"He's had to deal with a whole lot of stuff," says Patoski of Jimmie Vaughan.

"He just got into recovery himself, then he lost his brother and now he's controlling the estate of the brother who was his rival. Jimmie has to make some tough decisions - and he's a high school dropout; he's not equipped to handle a lot of this."

**GRAPHIC:** Stevie Ray Vaughan: Caught in the Crossfire recalls the life of the famed blues guitarist, who died in a helicopter crash.; Gannett News Service

**LOAD-DATE:** July 31, 1993

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOUSE OF BLUES BRANDS CORP.

Opposer,

v.

CELEBRITES PUBLISHING CORP.,

Applicant.

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Mark: IN ROCK WE TRUST

Consolidated Opposition Nos.  
91165876; 91165899; and 91165901

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**OPPOSER'S NOTICE OF RELIANCE ON APPLICANT'S RESPONSE TO OPPOSER'S  
FIRST SET OF INTERROGATORIES**

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Opposer, House of Blues Brands Corp., pursuant to 37 C.F.R. § 2.120(j), hereby gives notice of its reliance in this proceeding on Applicant's Response to Opposer's First Set of Interrogatories, a copy of which is enclosed herewith and marked as House of Blues Brands Corp. Trial Exhibit 154.

Respectfully submitted,

Date: 3/30/2007

By: 


Kirt S. O'Neill, Reg. No. 38,257  
Daniel Moffett  
Marissa Lawson  
AKIN GUMP STRAUSS HAUER & FELD LLP  
P.O. Box 12870  
San Antonio, Texas 78212  
Tel. 210.281.7106  
Fax 210.224.2035

ATTORNEYS FOR OPPOSER

### CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposer's Notice of Reliance on Applicant's Response to Opposer's First Set of Interrogatories was served on the following counsel this 30<sup>th</sup> day of March, 2007, via regular U.S. Mail, postage pre-paid:

Robert Carson Godbey  
Jess H. Griffiths  
Chad M. Iida  
GODBEY GRIFFITHS REISS CHONG  
Pauahi Tower, Suite 2300  
1001 Bishop Street  
Honolulu, Hawaii 96813

  
\_\_\_\_\_  
Daniel Moffett

#### Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Box TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Name of Person Signing Certificate: Michele Patterson

Signature: Michele Patterson

Date of Mailing: 3/30/07

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/441,161  
Filed June 25, 2004  
Mark IN ROCK WE TRUST  
Published on June 7, 2005

MAR 28 2006

House of Blues Brands Corp.,

Opposer,

v.

Celebrities Publishing Corporation,

Applicant.

Opposition No. 91,165,901

APPLICANT'S RESPONSE TO  
OPPOSER'S FIRST SET OF  
INTERROGATORIES; CERTIFICATE  
OF SERVICE

**APPLICANT'S RESPONSE TO OPPOSER'S  
FIRST SET OF INTERROGATORIES**

Applicant Celebrities Publishing Corporation ("Celebrities"), a Hawaii corporation having a principal place of business at 328 Front Street, Lahaina, Hawaii, by its undersigned attorneys, pursuant to the Trademark Rules of Practice and the Federal Rules of Civil Procedure, hereby responds to Opposer House of Blues Brands Corp.'s ("HOB"s) First Set of Interrogatories as follows:

### **INTRODUCTORY STATEMENT**

Celebrities will respond to the Interrogatories on the basis of the best information available to it at the time of gathering responsive information, within the limits of, and subject to, the objections described below. The fact that Celebrities produces responsive information does not constitute an admission or acknowledgment that the Interrogatory is proper, that the requested information exists in Celebrities' custody, possession or control, that the information it seeks is within the proper bounds of discovery, is relevant or material or that requests for similar information will be treated in similar fashion. In addition, any and all responses provided by Celebrities in response to the Interrogatories are for the purposes of this action only and are not responses for any other purpose, nor may they be used against Celebrities in any other proceeding.

### **GENERAL OBJECTIONS**

Celebrities makes its objections to specific Interrogatories by, among other things, incorporating by reference some or all of the following objections, as appropriate.

1. Celebrities objects to the Interrogatories to the extent they seek information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable evidentiary privilege.
2. Celebrities objects to the Interrogatories to the extent they call for information beyond the scope of Fed. R. Civ. P. 26(b) and 33(c).
3. Celebrities objects to the "continuous" nature of the Interrogatories to the extent they exceed the requirements of Fed. R. Civ. P. 26(e).
4. Celebrities objects to the Interrogatories to the extent they seek information already within Opposer's control or are obtainable from some other source that is more convenient, less



burdensome or less expensive.

5. Celebrities objects to any instructions and/or demands contained within the Interrogatories to the extent they purport to impose obligations on Celebrities beyond those imposed by the Federal Rules of Civil Procedure.

6. Celebrities objects to the Interrogatories to the extent they seek confidential or proprietary information. Celebrities will not provide such confidential or proprietary information until an appropriate Stipulated Protective Order has been signed by the parties to this action and made an order of this proceeding.

7. Celebrities objects to the Interrogatories to the extent they subject Celebrities to undue burden, unnecessary expense, harassment or annoyance. Unless otherwise stated, Celebrities will not provide any information which would subject it to undue burden, unnecessary expense, harassment or annoyance.

8. Celebrities objects to the Interrogatories to the extent they do not specify the information sought with reasonable particularity and, as such, are improper.

9. Celebrities objects to the Interrogatories to the extent that they are overly broad, vague or ambiguous.

10. Celebrities objects to the Interrogatories to the extent they seek information of which Celebrities does not have firsthand knowledge.

11. Celebrities objects to the Requests to the extent that they or some of them are more properly interposed as document requests under Rule 34 of the Federal Rules of Civil Procedure.

12. Celebrities objects to the Interrogatories to the extent they seek or call for the disclosure of information which will only become known during the course of discovery.

13. Celebrities objects to each and every Interrogatory to the extent it purports to impose a burden of locating information that is not in its possession, custody or control, or that cannot be found in the course of a reasonable search.

14. Celebrities objects to each and every Interrogatory to the extent that the Interrogatories exceed the seventy-five (75) allowable interrogatories including discrete subparts permitted pursuant to the Trademark Rules of Practice.

15. Celebrities will make reasonable efforts to respond to each Interrogatory, to the extent that no objection is made, as Celebrities understands and interprets the Interrogatory. If Opposer subsequently asserts any interpretation of any Interrogatory that differs from Celebrities' interpretation, Celebrities reserves the right to supplement its objections and responses.

#### **SUPPLEMENTATION**

Celebrities expressly reserves the right to modify and supplement its responses and objections should it discover additional information responsive to these Interrogatories prior to the final resolution of this proceeding.

#### **NON-WAIVER**

Should Celebrities provide information in response to the Interrogatories, which information is or may be the subject of any of the foregoing objections, such a provision is not intended to be nor shall it be deemed a waiver of any and all objections with respect to such information or withheld information.

**RESPONSES AND OBJECTIONS  
TO SPECIFIC INTERROGATORIES**

Subject to and without waiver of the foregoing general objections, which will not be restated, but which apply to each Response as if set forth fully below, Celebrities makes the following specific responses and objections:

**INTERROGATORY NO. 1:** Identify all persons who you believe have knowledge of facts relevant to this Opposition, and describe the issues upon which you believe they have knowledge.

**Celebrities' Response To Interrogatory No. 1:**

Celebrities incorporates by reference its General Objections. Celebrities further objects to this Interrogatory on the grounds that is overly broad in that it seeks to require Celebrities to identify "all persons" who are believed to have knowledge of facts relevant to this Opposition, as it would be impossible to determine "all persons" outside of Celebrities who have information relevant to this Opposition. Subject to, and without waiving its objections, Celebrities responds:

Colleen Noah-Marti & Gerard Marti – Have knowledge concerning the filing and the past, present and future use of the trademark application in question.

**INTERROGATORY NO. 2:** Identify each and every person whom Applicant intends to call as a witness in the trial or discovery phase of this Opposition, including, but not limited to, expert witnesses, and describe the nature of each witness's expected testimony, including the identification of all documents about which each witness is expected to testify.

**Celebrities' Response To Interrogatory No. 2:**

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks trial strategy or information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable evidentiary privilege. Moreover, Celebrities objects to this Interrogatory to the extent that it seeks information not yet discovered by Celebrities, or seeks or calls for the

disclosure of information which will only become known during the course of discovery.

Subject to and without waiving its objections, Celebrities responds: Colleen Noah-Marti, Gerard Marti, and representatives, agents and affiliates of Opposer. Celebrities reserves the right to supplement this response as it obtains more information through discovery and/or finalizes its trial strategy.

**INTERROGATORY NO. 3:** Describe the nature of Applicant's actual and anticipated business, including business conducted through licensees.

**Celebrities' Response To Interrogatory No. 3:**

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: Celebrities publishes fine art for wholesale and retail sales, creates events for the retail and wholesale of art collections, and licenses artwork to others to create products that incorporate the art. Celebrities has worked with many prominent artists throughout the United States, which includes celebrity artists such as Mick Fleetwood and Paul Stanley. Target licensed products include clothing, jewelry and bags.

**INTERROGATORY NO. 4:** Identify and describe in detail each product or service on or in connection with which Applicant has at any time used Applicant's Mark or intends to use Applicant's Mark, and for each such product and service separately:

- (a) state the date when and geographic location where Applicant's Mark was first used or, if such use is anticipated, the date when and geographic location where Applicant anticipates commencement of such use;
- (b) describe the circumstances of such first use or anticipated first use, including the manner of use, the details of any sales involved, the type and/or class of customers, the trade, sale and/or distribution channels, number of units sold, and price charged; and
- (c) state whether the use, including manner of use, type and class of customer, trade, sale and/or distribution channels, and price charged has continued to the present date, and if not the date such use was discontinued, has changed in any respect, and describe all such changes, and/or was discontinued for any period of time, and if so, the dates such use was

discontinued.

Celebrities' Response To Interrogatory No. 4:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: This opposition concerns an intent-to-use application; as such, Celebrities has not yet commenced use of the IN ROCK WE TRUST mark in commerce, and is still in the process of developing its mark for such use. However, Celebrities intends to use the mark for clothing, jewelry, key chains and bags, and anticipates that its first sale of such products will be in Hawaii and/or in other outlets that are developed in the future, when this opposition is concluded.

**INTERROGATORY NO. 5:** For each product or service identified in response to Interrogatory No. 4, identify the individuals who are most familiar with Applicant's production, packaging, marketing, selling and merchandising of products under Applicant's Mark, advertising and promotion of the products identified by the Applicant's Mark, enforcement and maintenance of trademark rights in Applicant's Mark, sale of the products identified by Applicant's Mark, and the trade channels through which the products bearing Applicant's Mark are and have been sold.

Celebrities' Response To Interrogatory No. 5:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: Colleen Noah-Marti and Gerard Marti.

**INTERROGATORY NO. 6:** Indicate each state, territory or possession of the United States in which Applicant has ever sold, offered for sale, advertised or distributed any of Applicant's Goods under or in connection with Applicant's Mark.

Celebrities' Response To Interrogatory No. 6:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as

business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: As noted in Celebrities' Response to Interrogatory No. 4 above, Celebrities has not yet commenced use of the IN ROCK WE TRUST mark in commerce and accordingly, does not have any sales, advertising or production information.

**INTERROGATORY NO. 7:** Identify and describe in detail all types of media, including publications, billboards, signs, advertisements, internet, radio and television, where Applicant has advertised or offered for sale, or intends to advertise or offer for sale, in the United States each of Applicant's Goods under Applicant's Mark, and state the amounts, by type of media and by date, which have been or will be expended by Applicant in promoting, advertising or offering each of Applicant's Goods under Applicant's Mark for each calendar year to date.

Celebrities' Response To Interrogatory No. 7:

See Celebrities' Response to Interrogatory No. 6.

**INTERROGATORY NO. 8:** For each of Applicant's Goods, state, by instances and dollar amount, the amount of sales in the United States for each calendar year to date.

Celebrities' Response To Interrogatory No. 8:

See Celebrities' Response to Interrogatory No. 6.

**INTERROGATORY NO. 9:** Describe the type of outlets (i.e., licenses, representatives, contractor, etc.) through which Applicant's Goods have been or will be sold, offered for sale, rendered and/or distributed.

Celebrities' Response To Interrogatory No. 9:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: Celebrities anticipates that its IN ROCK WE TRUST products will be sold and/or distributed through retailers in Hawaii and throughout the United States.

**INTERROGATORY NO. 10:** Identify any third parties who have used, are using or intend to use any mark or name comprising the name "IN ROCK WE TRUST" either alone or with other

wording, letters, or designs, on or in connection with products relating to ground and whole bean coffee.

Celebrities' Response To Interrogatory No. 10:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory on the grounds that it is irrelevant and immaterial to this Opposition which concerns Applicant's use of the IN ROCK WE TRUST mark for "clothing" rather than third party uses of the IN ROCK WE TRUST mark for "ground and whole bean coffee", and that the burden of deriving or ascertaining the response is substantially the same for Opposer as it is for Celebrities. Subject to and without waiving its objections, Celebrities responds: Celebrities is unaware of any third party uses of the IN ROCK WE TRUST mark for clothing or ground and whole bean coffee.

**INTERROGATORY NO. 11:** Identify any instances of confusion or false association between Applicant's use of Applicant's mark and Opposer or Opposer's Mark. For illustrative purposes only and without limiting the foregoing, such instances would include misdirected mail, telephone calls, inquiries, orders, complaints, oppositions or returns of goods.

Celebrities' Response To Interrogatory No. 11:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: Celebrities is not aware of any instances of confusion or false association.

**INTERROGATORY NO. 12:** Identify all instances in which Applicant has objected to the use, registration, or application by any third party of any mark or name containing "IN ROCK WE TRUST" or any similar mark.

Celebrities' Response To Interrogatory No. 12:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this request on the grounds that it is irrelevant and immaterial to a resolution of

this proceeding. Subject to and without waiving its objections, Celebrities responds:

Celebrities is not aware of any third party uses of the IN ROCK WE TRUST mark.

**INTERROGATORY NO. 13:** Identify any instances in which Applicant's use, registration, or application to register a mark containing Applicant's mark have been the subject of an objection of any kind by a third party.

Celebrities' Response To Interrogatory No. 13:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving the foregoing objections, Celebrities responds: None. In fact, the Examining Attorney, a neutral third party to this proceeding, did not believe there was any likelihood of confusion between Applicant's IN ROCK WE TRUST mark, and Opposer's IN BLUES WE TRUST marks, or any other trademarks on file with the USPTO, and passed Celebrities' IN ROCK WE TRUST mark for publication.

**INTERROGATORY NO. 14:** Describe any agreements or understandings constituting or relating to the settlement or resolution, or attempted settlement or resolution, of any controversy concerning Applicant's Mark that Applicant has ever entered into, intended or intends to enter into and identify all the parties to the understanding or agreement.

Celebrities' Response To Interrogatory No. 14:

See Celebrities' Response to Interrogatory No. 13.

**INTERROGATORY NO. 15:** With the exception of this proceeding, identify each civil action or administrative proceeding in the United States or elsewhere in which Applicant is now or has ever been a party and which has involved Applicant's Mark, including, but not limited to, proceedings where the issues of the ownership of and/or the right to the use of any such mark were raised.

Celebrities' Response To Interrogatory No. 15:

See Celebrities' Response to Interrogatory No. 13.



**INTERROGATORY NO. 16:** Describe in detail Applicant's selection and adoption of Applicant's Mark including, without limitation, the date of adoption, the reasons for selecting and adopting Applicant's Mark, all details as to the origin of Applicant's Mark, and the meaning or impression intended to be conveyed by Applicant's Mark.

Celebrities' Response To Interrogatory No. 16:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: The phrase IN ROCK WE TRUST was derived from the common phrase "IN GOD WE TRUST" that has been in use in the English vocabulary since at least the American Civil War and can be found on most if not all United States currency. IN ROCK WE TRUST was meant to be a play-on-words of IN GOD WE TRUST.

**INTERROGATORY NO. 17:** Provide the date and describe the circumstances when Applicant first became aware of Opposer's Mark.

Celebrities' Response To Interrogatory No. 17:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks the disclosure of information that is protected from discovery by the attorney work product doctrine and/or the attorney-client privilege. Subject to and without waiving its objections, Celebrities responds: Celebrities became aware of Opposer's IN BLUES WE TRUST mark when it had a trademark search conducted on its IN ROCK WE TRUST mark in June 2004. The search was a broad search conducted by Thomson & Thomson which revealed that there were many other IN \_\_\_\_ WE TRUST marks, but no mark for IN ROCK WE TRUST. The Thomson & Thomson search report has been produced in response to Opposer's First Request for Production of Documents and Things.

**INTERROGATORY NO. 18:** Describe in detail the procedures employed and the results obtained from each trademark search or searches prior to or subsequent to Applicant's adoption

of Applicant's Mark, including the persons conducting the search.

Celebrities' Response To Interrogatory No. 18:

See Celebrities' Response to Interrogatory No. 17.

**INTERROGATORY NO. 19:** Identify all persons having any knowledge or responsibility, directly or indirectly, relating to any applications, assignments, or other documents filed with the United States Patent and Trademark Office, or any state agency or office, to register Applicant's Mark.

Celebrities' Response To Interrogatory No. 19:

See Celebrities' Response to Interrogatory No. 1.

**INTERROGATORY NO. 20:** Explain how Applicant's Mark is used and promoted, or intended to be used and promoted, to create a public perception of such Mark as an indication of source.

Celebrities' Response To Interrogatory No. 20:

See Celebrities' Response to Interrogatory No. 4.

**INTERROGATORY NO. 21:** Identify all periods of non-use of Applicant's Mark on Applicant's Goods in the United States and set forth in detail the reason for such non-use and the reasons for resumption of use, if any.

Celebrities' Response To Interrogatory No. 21:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: Celebrities has constructively used its IN ROCK WE TRUST mark continuously since the filing date of its intent-to-use application (U.S. Serial No. 78/441,161) up to the present.

**INTERROGATORY NO. 22:** Describe each alteration which has been made, or proposed, in the design, wording, presentation or use of Applicant's Mark for any reason, including as a result of the findings of any search or investigation, give the circumstances surrounding each such alteration, or proposed alteration.

Celebrities' Response To Interrogatory No. 22:

See Celebrities' Response to Interrogatory No. 4.

**INTERROGATORY NO. 23:** Identify all information, to the extent possible, regarding any and all documents responsive to the foregoing Interrogatories which are lost, destroyed or are otherwise no longer in the custody or control of Applicant.

Celebrities' Response To Interrogatory No. 23:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: None.

**INTERROGATORY NO. 24:** For each and every Interrogatory, identify the individual or individuals answering the Interrogatory, and each person who provided any information including opinions, advice, reports, studies, or facts on which your answer to any of the foregoing Interrogatories was based, specifying each Interrogatory to which he or she contributed information.

Celebrities' Response To Interrogatory No. 24:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks the disclosure of information that is protected from discovery by the attorney work product doctrine and/or the attorney-client privilege. Celebrities also objects to this Interrogatory on the grounds that the Interrogatory is overly broad and that the burden or expense of responding outweighs the Interrogatory's likely benefit, taking into account the needs of the case, the amount in controversy, the importance of the issues and the Interrogatory's importance in resolving the issues. Celebrities further objects to this Interrogatory on the grounds that this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Celebrities responds: Colleen Noah-Marti.

**INTERROGATORY NO. 25:** With respect to any document or thing called for in Opposer's requests to produce which is withheld because it is asserted to contain information relating to matters claimed by Applicant to be privileged or exempt from discovery, state the nature of the privilege (including work product) or other exemption from discovery which is being claimed and the facts which support such claim of privilege or exemption and provide the following additional information:

- i. the date, identity, and general subject matter of each document;
- ii. the identity of each person (other than stenographic or clerical assistants) participating in the preparation of the document;
- iii. the identity of each person to whom the contents of the document were communicated by copy, distribution, reading or substantial summarization;
- iv. a description of any document or other material transmitted with or attached to the document; and
- v. whether any business or nonlegal matter is contained or discussed in the document.

Celebrities' Response To Interrogatory No. 25:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks the disclosure of information that is protected from discovery by the attorney work product doctrine and/or the attorney-client privilege. Celebrities also objects to this Interrogatory on the grounds that the Interrogatory is overly broad and that the burden or expense of responding outweighs the Interrogatory's likely benefit, taking into account the needs of the case, the amount in controversy, the importance of the issues and the Interrogatory's importance in resolving the issues. Celebrities further objects to this Interrogatory on the grounds that this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Celebrities responds: There are various letters and other communications between representatives of Applicant (Gerard Marti and Colleen Noah-Marti) and Applicant's attorneys which are protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

All objections stated above are entered on behalf of Celebrities Publishing Corporation by:

GODBEY GRIFFITHS REISS CHONG  
A Limited Liability Law Partnership  
Attorneys for Applicant

By:



Robert Carson Godbey  
Jess H. Griffiths  
Chad M. Iida  
Pauahi Tower, Suite 2300  
1001 Bishop Street  
Honolulu, HI 96813  
Tel. (808) 523-8894

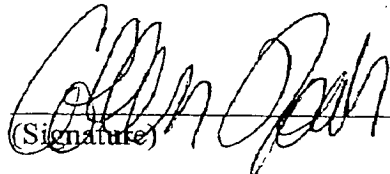
DATED: Honolulu, Hawaii, March 24, 2006.

**VERIFICATION**

I, COLLEEN NOAH, VICE PRESIDENT  
(Print Name) (Title)

am authorized to make this verification on behalf of Applicant, and hereby verify that I have read the foregoing Applicant's Response to Opposer's First Set of Interrogatories and that they are true to the best of my knowledge, information and belief.

DATED: 3/23/06

  
(Signature)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

House of Blues Brands Corp.,

Opposer,

v.

Celebrities Publishing Corporation,

Applicant.

Opposition No. 91,165,901

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

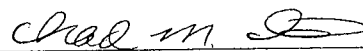
I hereby certify that the foregoing APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES, and this CERTIFICATE OF SERVICE was duly served upon Opposer by first class mail, postage prepaid, to its last known address and on the date set out below:

Kirt S. O'Neill  
Marissa Lawson  
Akin Gump Strauss Hauer & Feld LLP  
P.O. Box 12870  
San Antonio, Texas 78212

Attorneys for Opposer

DATED: Honolulu, Hawaii, March 24, 2006.

By:



Chad M. Iida

Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOUSE OF BLUES BRANDS CORP.

Opposer,

v.

CELEBRITES PUBLISHING CORP.,

Applicant.

§  
§  
§  
§  
§  
§  
§  
§  
§

Mark: IN ROCK WE TRUST

Consolidated Opposition Nos.  
91165876; 91165899; and 91165901

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**OPPOSER'S NOTICE OF RELIANCE ON RULE 30(b)(6) DEPOSITION**

---

Opposer, House of Blues Brands Corp., pursuant to 37 C.F.R. § 2.120(j), hereby gives notice of its reliance on the following parts of the Federal Rule of Civil Procedure 30(b)(6) discovery deposition of Colleen Noah-Marti, Vice President and Secretary of Applicant:

Page:Line through Page:Line

1:0 through 6:16

7:10 through 7:24

10:17 through 35:24

41:4 through 42:2

46:8 through 46:23

47:6 through 48:1

54:17 through 56:12

59:3 through 59:10

61:15 through 79:23

81:15 through 88:11

90:9 through 91:19

94:1 through 100:2

101:13 through 101:20

102:14 through 102:20



106:1 through 107:25

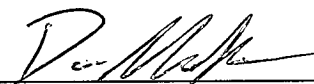
Court Reporter's Certification

Copies of the above-referenced parts of Applicant's discovery deposition, together with copies of deposition exhibits 1 through 10 and 12 ( which are referenced in the relied on portions of the deposition), are attached to this Notice and are collectively marked as House of Blues Brands Corp. Trial Exhibit 158.

Respectfully submitted,

Date: 3/30/2007

By:

  
Kirt S. O'Neill, Reg. No. 38,257  
Daniel Moffett  
Marissa Lawson  
AKIN GUMP STRAUSS HAUER & FELD LLP  
P.O. Box 12870  
San Antonio, Texas 78212  
Tel. 210.281.7106  
Fax 210.224.2035

ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Opposer's Notice of Reliance on Rule 30(b)(6) Deposition was served on the following counsel this 30<sup>th</sup> day of March, 2007, via regular U.S. Mail, postage pre-paid:

Robert Carson Godbey  
Jess H. Griffiths  
Chad M. Iida  
GODBEY GRIFFITHS REISS CHONG  
Pauahi Tower, Suite 2300  
1001 Bishop Street  
Honolulu, Hawaii 96813

  
Daniel Moffett

### Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Box TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Name of Person Signing Certificate: Michele Patterson

Signature: Michele Patterson

Date of Mailing: 3/30/07

ORIGINAL

COLLEEN NOAH-MARTI

Page 1  
November 6, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOUSE OF BLUES BRANDS CORP.,	)	Mark: IN ROCK WE
	)	TRUST
Opposer,	)	
	)	
v.	)	
	)	
Celebrities Publishing CORP.,	)	Consolidated
	)	Opposition Nos.
Applicant.	)	01165876; 91165899;
	)	and 91165901

VIDEOTAPED DEPOSITION OF  
COLLEEN NOAH-MARTI

Taken on behalf of the Opposer, House of Blue Brands Corp., at the offices of Alston Hunt Floyd & Ing, 1001 Bishop Street, 1800 American Savings Bank Tower, Honolulu, Hawaii, commencing at 11:18 a.m. on November 6, 2006, pursuant to Notice.

House of Blues Brands Corp. v. Celebrities  
Publishing Corp.  
Consolidated Opposition Nos. 91165876;  
91165899; 91165901  
House of Blues Brands Corp. Trial Exhibit 158

BEFORE: JESSICA R. PERRY, CSR NO. 404  
Certified Shorthand Reporter

APPEARANCES

For the Opposer:

KIRT S. O'NEILL, ESQ.  
Akin Gump Strauss Hauer & Feld  
300 Convent Street  
Suite 1500  
San Antonio, Texas 78205-3732

For the Applicant:

CHAD M. IIDA, ESQ.  
Godbey Griffiths Reiss  
1001 Bishop Street  
2300 Pauahi Tower  
Honolulu, Hawaii 96813

Also Present:

Gerard Noah-Marti  
Derek Bryant, Videographer

## I N D E X

EXAMINATION BY:

PAGE

Mr. O'Neill

5

## EXHIBITS FOR IDENTIFICATION

1. Opposer's Second Amended Rule 30(b)(6)  
Notice of Deposition
2. Applicant's Response to Opposer's First  
Set of Interrogatories
3. Web site printout - Artwork by Celebrities
4. Web site printout - Jewels by...
5. Web site printout - Music Memorabilia
6. Maui Time Magazine article
7. Web site printout - Stevie Ray Vaughan Memorabilia
8. Web site printout - Rolling Stones Memorabilia
9. USPTO Database trademark report
10. Trademark report excerpt
11. 2/17/05 letter to O'Neill from Godbey
12. Trademark Electronic Search System

## P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. Here begins videotape number 1, volume 1 in the 30(b)(6) deposition of Colleen Noah-Marti in the matter of House of Blues Brands Corporation versus Celebrities Publishing Corp. Today's date is November 6th, 2006. The time is 11:18 a.m. This deposition is being taken at the law offices of Alston, Hunt, Floyd & Ing, 1001 Bishop Street, Suite 1800, Honolulu, Hawaii, and it was made at the request of Daniel Moffett of the offices of Akin Gump Strauss Hauer & Feld. The videographer is Derek Bryant, here on behalf of Esquire Deposition Services, 9901 IH 10 West, Suite 630, San Antonio, Texas 78230.

Would counsel and all present please identify yourselves and state whom you represent.

MR. O'NEILL: It's Kirt O'Neill for the opposer, House of Blues Brands Corp.

MR. IIDA: Chad Iida for the applicant, Celebrities Publishing Corporation, and next to me is Colleen Marti, who is the vice-president.

THE VIDEOGRAPHER: Would the reporter please swear in the witness.

(Exhibit Nos. 1 - 12 pre-marked.)

///

///

1 COLLEEN NOAH-MARTI,  
2 the witness hereinbefore named, being first duly cautioned  
3 and sworn to testify the truth, the whole truth, and nothing  
4 but the truth, testified under oath as follows:

6 EXAMINATION

7 BY MR. O'NEILL:

8 Q. Ms. Marti, would you state your full name, please.

9 A. Colleen Noah-Marti.

10 Q. And you understand that you've been designated to  
11 testify on behalf of the company that you work for to give  
12 testimony today relative to our trademark opposition  
13 proceeding?

14 A. Yes.

15 Q. And are you hearing me okay? Am I talking too  
16 loud, too soft?

17 A. No, it's fine.

18 Q. Okay. And I'm going to ask you to pronounce the  
19 name of your company because I'm not sure I can get it right.

20 A. Celebrities Publishing Corporation.

21 Q. And how long -- I'm sorry, there's some time lag,  
22 so I'll try not to step on you.

23 How long have you been with Celebrities?

24 A. Since inception.

25 Q. When was that?

1           A.    I'm not exactly sure, but approximately five  
2   years.  
3           Q.    Are you one of the owners of the company?  
4           A.    Yes.  
5           Q.    Who are the other owners?  
6           A.    Gerard Noah-Marti.  
7           Q.    Is he your husband?  
8           A.    Yes.  
9           Q.    Are the two of you the only owners of the company?  
10          A.    Yes.  
11          Q.    Who are the officers of the company, please?  
12          A.    Myself and my husband.  
13          Q.    What office do you hold?  
14          A.    Vice president and secretary.  
15          Q.    And your husband?  
16          A.    President and treasurer, I believe.

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21                            REDACTED  
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5 **REDACTED**  
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9

10 Q. Give us just a brief description of your duties at  
11 the company, and then I'll have the same question with  
12 respect to your husband.

13 A. Dealing with -- I guess almost every aspect of the  
14 corporation, developing new ideas, registering corporate, the  
15 finances for the company.

16 Q. What about sales -- I'm sorry. What about sales  
17 and marketing, do you participate in that?

18 A. I would say those were shared responsibilities  
19 between my husband and I, development, sales, and marketing.

20 Q. Okay. Is it fair to say that as husband and wife  
21 you both pretty much do the whole thing?

22 A. No, I handle the financial and the legal aspects  
23 of the corporation and more of the marketing, and we share  
24 more of the development and sales.

25 **REDACTED**

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8 REDACTED  
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17 Q. Can you give me an idea of the nature of the  
18 artwork.that Celebrities Publishing sells to other galleries?

19 A. We're just starting up with that, so celebrity  
20 artists, but we're just starting out and so we're at  
21 inception.

22 Q. Okay. Would it be similar artwork to the artwork  
23 that's sold through the galleries?

24 A. Some of it.

25 Q. Okay.

1           A.    We have a pretty diverse gallery.

2           Q.    I understand.

3                    Could you just give us a general overview of the  
4 principal type of artwork that you sell through the  
5 galleries?

6           A.    Artwork by celebrities, artwork, memorabilia, and  
7 also clothing and jewelry that would appeal to a certain  
8 market.

9           Q.    Generally speaking, what type of market are you  
10 trying to appeal to?

11          A.    People who like artwork by rock-and-roll artists,  
12 pop art, people who like something cutting edge. And we're  
13 looking for, you know, cutting-edge artists.

14          Q.    I have looked at your Web site and it seems to me,  
15 and correct me if I'm wrong, but it seems to me that most of  
16 the artwork that you sell is artwork that has been created by  
17 entertainers, right?

18          A.    Yes.

19          Q.    Musical artists?

20          A.    Some.

21          Q.    Would it be fair to say that most of it created by  
22 musical artists?

23          A.    No.

24          Q.    Okay. Who are the other types of artists that you  
25 deal with and whose work you sell?

1 A. We also have actors.

2 Q. How do you get the artwork or how do you find the  
3 entertainers whose artwork you're going to sell?

4 THE WITNESS: Is that relevant?

5 MR. IIDA: Yeah.

6 THE WITNESS: Directly through art sources.

7 BY MR. O'NEILL:

8 Q. Art sources such as?

9 A. Art Business News.

10 Q. Okay.

11 MR. NOAH-MARTI: (Inaudible.)

12 THE WITNESS: I know.

13 BY MR. O'NEILL:

14 Q. Have you ever been deposed before?

15 A. No, not like this. Not like this.

16 Q. What do you mean not like this, not with attorneys  
17 present in a court --

18 A. With the video, video conferencing.

19 Q. I gotcha. So you have been deposed by an attorney  
20 with a court reporter present taking your testimony?

21 A. I'm not sure.

22 Q. You don't remember?

23 A. No.

24 Q. Okay. Did you have a chance to talk with your  
25 lawyer before you came to the deposition today about

1 procedures and how this would go?

2 MR. IIDA: I'm going to object to the extent  
3 that that question asks for the disclosure of any  
4 communication that I had with Ms. Marti.

5 But to the extent that you can answer without  
6 disclosing any communication that we've had, then you can go  
7 ahead.

8 THE WITNESS: What was the question?

9 BY MR. O'NEILL:

10 Q. Let me try it again. I'm not trying to be tricky,  
11 I just want to know if you have a general understanding of  
12 how the deposition is supposed to go. And the reason that I  
13 ask is because I see you looking around the room before you  
14 respond to my questions. Ordinarily, the way a deposition  
15 works is I ask a question, and unless your attorney instructs  
16 you not to answer, you go ahead and answer it, and you're  
17 generally not permitted to look around the room for help from  
18 anybody else who might be present, although at all times Mr.  
19 Iida, of course, is -- is allowed to tell you whether or not  
20 he's going to let you answer a question. Okay?

21 A. Okay.

22 Q. Who are some of the artists whose artwork you  
23 sell?

24 A. We have Ronnie Wood, John Lennon, Paul Stanley,  
25 Richard Chamberlain, Michael Madsen, Muro, Picasso.

1 Q. If you have --

2 A. Todd Goldman.

3 Q. I'm sorry.

4 A. Todd Goldman.

5 Q. Maybe it will help if we use an exhibit.

6 MR. O'NEILL: Do you have Exhibit 3, Chad?

7 MR. IIDA: Yes.

8 MR. O'NEILL: Why don't you show that to her.

9 MR. IIDA: Okay. Did you need one?

10 THE COURT REPORTER: No, you can just give it  
11 to me after.

12 MR. IIDA: Okay.

13 BY MR. O'NEILL:

14 Q. Ms. Marti, is Exhibit 3 a printout from your Web  
15 site that shows --

16 A. Yes.

17 Q. -- some of the artwork that your gallery sells?

18 A. Uh-huh.

19 Q. A number of these are musical artists, correct?

20 A. Yes, but this is a sampling from the Web site of  
21 one particular section only dealing with celebrity artists.

22 Q. Okay.

23 A. So what I gave you earlier was, you know, a  
24 diverse sampling.

25 Q. Sure. I understand this is a sampling, but this

1 is -- this is accurate, this is from your Web site, right?

2 A. It's the celebrity artists that we carry.

3 Q. Okay. And can you go through the list and  
4 indicate for the record each artist's name and what type  
5 of -- either music or acting capability they're known for?

6 A. Okay. Andy Warhol, pop art; David Bowie,  
7 musician, modern painter, actor; Gerard Marti, owner of the  
8 gallery; Grace Slick, songwriter, performer; Jane Seymour,  
9 actress; Jerry Garcia, artist, you know, from Grateful Dead;  
10 Joe Petruccio, animated.

11 MR. NOAH-MARTI: (Inaudible.)

12 THE WITNESS: Animation or -- I mean, artist  
13 of animation; John Lennon, you know, humanitarian, one of the  
14 Beatles; Miles Davis, artist, musician; Paul McCartney,  
15 artist, musician; Paul Stanley, artist, musician; Richard  
16 Chamberlain, actor and artist; Ringo Starr, actor, musician,  
17 I don't know if he's a songwriter; Ron Campbell, animation  
18 artist; Ronnie Wood of the Rolling Stones and painter;  
19 Sebastian Kruger, artist, character artist.

20 BY MR. O'NEILL:

21 Q. And I think there's one more page there.

22 A. Michael Madsen, actor; Todd Goldman, designer;  
23 Tony Bennett, performer, artist; Mick Fleetwood, drummer,  
24 photographer.

25 Q. Okay. What I'd like for you to do is go back

1 through the list and those that you identified as being noted  
2 for their music, if you could give me the musical genre or  
3 classification that you believe they're noted for.

4 A. David Bowie, I don't know, rock, punk,  
5 alternative; Grace Slick, rock; Jerry Garcia, rock; John  
6 Lennon, rock; Mick Fleetwood, rock; Miles Davis, jazz; Paul  
7 McCartney, rock; Paul Stanley, rock; Ringo Starr, rock;  
8 Ronnie Wood, rock; Tony Bennett, oldies.

9 Q. So we have by my count at least four or five  
10 different categories, correct, you mentioned rock,  
11 alternative, jazz, and oldies?

12 A. I guess, yes.

13 Q. And do you sell any art by blues artists?

14 A. I'm not very familiar with blues artists or the  
15 concept of blues. Can you explain what you mean by blues?

16 Q. I don't know if I have an explanation. I'm just  
17 trying to get your understanding. Do you know what blues  
18 music is?

19 A. No. I don't know. If you gave me an example of a  
20 blues artist, then I could maybe get your definition of it.

21 Q. Okay. Let me just -- I don't want to educate you.  
22 I want to know what you know as you sit here today. Do you  
23 have a good understanding of what blues music is?

24 A. No, I guess not.

25 Q. Do you have any understanding of how blues music



1 compares to rock and roll, for example?

2 A. I wouldn't consider myself to be a -- I mean, are  
3 you talking -- I mean, I've heard like rhythm and blues, but  
4 I wouldn't consider myself to be -- for me, rock is rock.

5 Q. You have heard of rhythm and blues, do you know  
6 how to describe it?

7 A. I couldn't tell you artists. That's why I'm  
8 asking, you know, for help.

9 Q. Okay. And I'm not specifically asking you to  
10 identify artists at this point. I want to know if you have  
11 an understanding of what the musical genre blues or rhythm  
12 and blues is?

13 A. Not that I could give you a, you know, an exact  
14 description of it, but if you gave me a genre by performers,  
15 I might be able to figure out what it would be for you, what  
16 it is, but by performers.

17 Q. Do you have any understanding of whether any of  
18 the artwork sold in your galleries has been created by people  
19 who are known to be blues artists?

20 A. No.

21 Q. If someone were to ask you whether you sell  
22 artwork by blues artists, what would you say?

23 MR. IIDA: Calls for speculation.

24 BY MR. O'NEILL:

25 Q. You can answer. Unless he instructs you not to

1 answer, you go ahead and answer the question.

2 MR. IIDA: You can answer if you know, but I  
3 objected that it calls for speculation. To the extent that  
4 you have an answer, you can answer, but --

5 THE WITNESS: I don't think I have any  
6 artwork done by blues artists, but I couldn't answer it  
7 without knowing what type of -- you know, what the -- I don't  
8 know what the interpretation of a blues artist would be. I  
9 mean -- but if you gave me some examples genre or performers  
10 more, then I could put them and organize it, but right now I  
11 couldn't tell you. And that's what I -- if somebody came in  
12 and said they wanted a blues artist, then I would say so who  
13 did you have in mind as a blues artist.

14 BY MR. O'NEILL:

15 Q. Okay. I want to find out what point you have in  
16 mind. Do you sell -- does your gallery sell any artwork by  
17 blues artists?

18 A. I would say no.

19 Q. And are you saying no because you don't believe  
20 that you have any artwork by blues artists or are you saying  
21 no because you don't really know what a blues artist is?

22 A. I don't know.

23 Q. Or is there some other reason?

24 A. When I think of blues, blues is -- is an  
25 interpretation of a certain type of music. I can tell you if

1 something sounds bluesy.

2 Q. Okay.

3 A. But as far as a direct description bluesy, it's  
4 kind of slow music, you know, you picture it maybe in a jazz  
5 club, smoky-filled room, somebody singing the blues. Right?  
6 Well --

7 Q. Okay. You testified that you -- that you think  
8 the answer is no, that you don't sell artwork by blues  
9 artists, and what I'm trying to figure out is, are you saying  
10 no because you don't understand what blues is or are you  
11 saying no because you're confident that you don't sell any  
12 artwork by noted blues artists?

13 A. I'm not -- if you went to --

14 MR. NOAH-MARTI: Can I say something?

15 THE WITNESS: If you went to Borders and you  
16 looked for music, and I looked at these artists and I wanted  
17 to find a CD, I believe that many of the artists that I'm  
18 looking at, such as the Beatles or Ronnie Wood, would be  
19 under the genre of music of rock. And I'm not sure -- if I  
20 looked for blues music, I would probably find different  
21 artists, but I don't think, you know, on a general thing that  
22 I would find David Bowie, for example, in the blues section  
23 if I was looking for a CD, nor Paul Stanley, nor Mick  
24 Fleetwood or Fleetwood Mac or Grace Slick. I mean, for -- if  
25 I was to look by genre in a place like Tower Records or

1 Borders or --

2 BY MR. O'NEILL:

3 Q. Okay. Can you name any blues artists?

4 A. Big Boonie Brown. I don't know.

5 Q. Is that an actual person?

6 A. I'm not sure. But I think so. Big Boonsie Brown,  
7 Boozy. I'm not sure.

8 Q. Is that a male or female?

9 A. A male.

10 Q. And what song is he noted for?

11 A. I'm not sure. Actually, I'm taking it from a  
12 painting.

13 Q. You have a painting in your gallery that mentions  
14 his name?

15 A. No, I just saw a piece of art that I liked that I  
16 remember the name.

17 Q. Okay. Based on your knowledge of music, can you  
18 name anybody who you believe to be a blues artist and noted  
19 for blues music?

20 A. I can't think of at this time.

21 Q. What about Stevie Ray Vaughan?

22 A. Yeah, for me, it's a bit southern rock.

23 Q. You wouldn't characterize him as a blues artist?

24 A. Maybe he would be, maybe the only one, but he  
25 doesn't do artwork.

1 Q. But you sell some Stevie Ray Vaughan memorabilia,  
2 I guess, in your gallery, correct?

3 A. Uh-huh.

4 Q. And do you agree that he's a blues artist?

5 A. Southern rock, you know, bluesy southern rock,  
6 because he's very --

7 Q. Can you think of anyone?

8 A. -- rocky.

9 Q. I'm sorry?

10 A. He's very -- yeah, he's bluesy, but he's also very  
11 rock and roll for me.

12 Q. Sometimes the dividing line is a little hard to  
13 tell, isn't it?

14 A. Not for me. I mean, I think for -- to say a  
15 traditional blues artist or bluesy music I can tell you the  
16 style of music it would be, but, you know, when you classify  
17 music and you looked under rock, I mean, there's a -- there's  
18 clear, very famous musicians there. And for blues it's a  
19 little bit harder to describe. I mean, a style, yes, there's  
20 a definite style.

21 Q. The styles can be distinguished, but I guess my  
22 question was, sometimes it's hard to tell whether a  
23 particular artist is more blues or more rock or southern  
24 rock.

25 MR. IIDA: Asked and answered.

1 THE WITNESS: Slide it up?

2 Can we take a minute?

3 BY MR. O'NEILL:

4 Q. No, not while a question is pending. And --

5 A. Oh, I don't even know that a -- what is the  
6 question?

7 Q. I said sometimes -- isn't it true that sometimes  
8 it can be hard to determine whether a particular artist fits  
9 more in the category of blues versus rock?

10 MR. IIDA: Asked and answered.

11 THE WITNESS: Can he hear you, Chad?

12 MR. IIDA: Yeah.

13 THE WITNESS: Oh, okay.

14 BY MR. O'NEILL:

15 Q. So you go ahead and answer the question unless he  
16 instructs you not to.

17 MR. IIDA: Well, if you have anything more to  
18 add to your other answer, then you can answer his question.

19 THE WITNESS: I think I answered it.

20 BY MR. O'NEILL:

21 Q. And, I'm sorry, I missed your answer..

22 MR. IIDA: Same objection.

23 BY MR. O'NEILL:

24 Q. So we have a clear record, why don't you go ahead  
25 and restate your answer?

1 MR. IIDA: You want the reporter to read it  
2 back?

3 MR. O'NEILL: No, I do not. I want her own  
4 words. I need an answer to the question.

5 MR. IIDA: She's already -- she's already  
6 answered the question.

7 MR. O'NEILL: And your objection is noted.  
8 So let me have her answer it again.

9 MR. IIDA: Well, it's on the record. I think  
10 we should have the reporter read it back to you.

11 MR. O'NEILL: I don't think so.

12 MR. IIDA: And why wouldn't you want the  
13 reporter, if it's on the record, her answer is on the record.

14 BY MR. O'NEILL:

15 Q. Just go ahead and answer it if you can.

16 MR. IIDA: Same objection.

17 BY MR. O'NEILL:

18 Q. Ms. Marti, you're to answer unless your attorney  
19 instructs you not to.

20 A. Can you tell me the question again?

21 Q. Yes. I said, isn't it true that sometimes it can  
22 be hard to determine whether a particular musical artist is a  
23 blues artist or a rock artist or whether he's somewhere in  
24 between?

25 MR. IIDA: Same objection.

1 THE WITNESS: I think if you're a rock  
2 artist, if you look and you go to like to buy a CD, which  
3 would be probably the most general, that when you look at our  
4 artist, you would find them under rock. I think sometimes  
5 people may -- rock artists predominantly or predominantly  
6 jazz artists may play some bluesy-style music, which is a  
7 style, but may not be noted as being a blues artist.

8 BY MR. O'NEILL:

9 Q. Okay. Let's talk about Stevie Ray Vaughan.  
10 What's he noted as?

11 MR. IIDA: Hold on. Before you continue, did  
12 you want to take a break?

13 THE WITNESS: Yes.

14 MR. IIDA: Can we give her a -- a little  
15 break?

16 MR. O'NEILL: I would like to -- I would like  
17 to finish this line of questioning. I've got about five  
18 minutes and then we'll move on to another topic and we can  
19 take a break.

20 MR. IIDA: Well, she wants a break now. Can  
21 we just take a five-minute break and we'll be right back?

22 MR. O'NEILL: Why don't we have her answer  
23 the question that's pending and then we'll take a break.

24 MR. IIDA: She had asked for a break before  
25 your last question.



1 MR. O'NEILL: No, sir -- no, sir, you asked  
2 for a break.

3 THE WITNESS: No, I asked for a break.

4 BY MR. O'NEILL:

5 Q. It is a simple question. Stevie Ray Vaughan,  
6 would you -- is he a rock artist or blues artist?

7 A. I think I answered that question. I answered that  
8 question already.

9 BY MR. O'NEILL:

10 Q. To you, is he a rock artist, a blues artist, or  
11 somewhere in between?

12 A. For me, it's southern rock, like almost country  
13 rock for me. But, you know.

14 Q. Different people can see it a different way?

15 A. (Nodding head.)

16 Q. You're nodding your head. The court reporter  
17 needs you to do an oral answer so she can get it into a  
18 record.

19 A. Are you asking me a question?

20 Q. Yes.

21 A. The question is?

22 Q. I asked you a question and you nodded your head,  
23 and my -- my point was, you need to say -- give an oral  
24 response so the court reporter can get it on paper, get it  
25 on --

1           A.    Okay.  What was the -- what --

2                   MR. IIDA:  I think your question was vague  
3 and ambiguous, but could you -- maybe if you could restate  
4 the question for her.

5                   THE WITNESS:  I just -- I thought it was a  
6 statement that you said, your statement was that some people  
7 could see blues and rock, or Stevie Ray Vaughan as --

8 BY MR. O'NEILL:

9           Q.    Some people could --

10                  MR. IIDA:  Just let him -- let him ask the  
11 question.

12                  THE WITNESS:  Okay.  It was a statement, so I  
13 wasn't sure if it was --

14 BY MR. O'NEILL:

15           Q.    The question was, it's true that some people could  
16 see Stevie Ray Vaughan more as a blues artist than a southern  
17 rock artist?

18                  MR. IIDA:  I object that it calls for  
19 speculation.

20                  THE WITNESS:  Maybe I don't understand  
21 something.  Could I take a break?

22 BY MR. O'NEILL:

23           Q.    If you need to consult with your lawyer about a  
24 privilege, that's okay, but otherwise, I need your answer to  
25 the question.

1           A.    I don't think I --

2                   THE WITNESS:  So if you object, do I still  
3   answer?

4                   MR. IIDA:  To the extent that you have an  
5   answer, that you know and can answer, that you have an  
6   answer.

7                   THE WITNESS:  I don't have an answer.  I'm  
8   not --

9   BY MR. O'NEILL:

10           Q.    And what is the reason?

11           A.    I don't think -- I think it's bias to your own  
12   interpretation.  You asked me for my interpretation and I  
13   told you what my thoughts were.  I'm -- you know, that's all  
14   I have to say.

15           Q.    If we go to some blues or rock industry resources  
16   and they identify Stevie Ray Vaughan as a blues artist, do  
17   you have any reason to doubt that or dispute that?

18           A.    I don't really have any -- I'm not -- I'm not here  
19   to make judgment on, you know, what's blues and what's rock  
20   music.  I gave you an example of maybe what popular -- if I  
21   was looking for a CD, you know, if I looked for Stevie Ray  
22   Vaughan if there was a section in southern rock, I might look  
23   it up in southern rock, I might look it up just right under  
24   rock at Borders.  That's, you know, pretty much my -- my  
25   calculation of what blues is.  I know that Stevie Ray

1 Vaughan, he could be -- he's a bit bluesy, but I know he's  
2 also some, you know, for me, southern rock.

3 Q. Okay. So in the music industry, is he considered  
4 to be somewhere in between?

5 MR. IIDA: Calls for speculation. Are you  
6 asking for her personal opinion or are you asking what the  
7 music industry thinks?

8 MR. O'NEILL: The question didn't call for  
9 opinion at all. It called for her personal knowledge.

10 MR. IIDA: Of what the music industry thinks?

11 MR. O'NEILL: Yes, of how he's considered in  
12 the music industry.

13 MR. IIDA: That calls for speculation.

14 THE WITNESS: I'm not in the music industry.  
15 I'm in -- you know, we sell -- we sell what we like and I  
16 don't make -- if you're asking me for a clarification of  
17 which artist would be under which genre of music, I'm giving  
18 you an example of how I would find it at one of the largest  
19 merchandisers -- I mean, of CDs, of how I would look at it as  
20 a consumer. And I think I'm a pretty normal consumer.

21 MR. IIDA: Are you ready for your break?

22 THE WITNESS: Yes, I would like to take a  
23 break.

24 MR. IIDA: Can we take a break now?

25 MR. O'NEILL: Sure, you go right ahead.

1 MR. IIDA: All right.

2 THE VIDEOGRAPHER: Off the record after  
3 11:56 a.m.

4 (Recess taken.)

5 THE VIDEOGRAPHER: We're now back on the  
6 record, it is 12:07 p.m.

7 BY MR. O'NEILL:

8 Q. Ms. Marti, would you look at Exhibit 7, please.  
9 It's the one that says Stevie Ray Vaughan memorabilia on it.

10 A. Yes.

11 Q. You're familiar with this? This is a printout  
12 from your Web site as well.

13 A. Yes.

14 Q. And so these are some of the memorabilia items  
15 that you sell that feature Stevie Ray Vaughan?

16 A. Yes.

17 Q. If you look on the third page and the fourth page,  
18 it looks like it's got some of his albums on here; do you see  
19 that?

20 A. Yes.

21 Q. Have you listened to any of these albums, Soul to  
22 Soul, Texas Flood, et cetera, et cetera?

23 A. I've listened to Stevie Ray Vaughan before.

24 Q. Are you familiar with these particular albums?

25 A. I couldn't name you certain songs off of any

1 particular album of Stevie Ray Vaughan.

2 Q. Do you know whether any of these albums have any  
3 blues music on it?

4 A. Probably, yes. Bluesy style, yes.

5 Q. Maybe some rock as well?

6 A. Like southern rock.

7 Q. Okay. Look at Exhibit 5, if you would, please.  
8 That's the one that has the listing of more performers.

9 MR. IIDA: Hold on, I'll get you that.

10 THE WITNESS: Is that this?

11 MR. IIDA: No, that's 3.

12 THE WITNESS: Oh, Exhibit 3.

13 Yes.

14 BY MR. O'NEILL:

15 Q. Is this also a printout from your Web site that  
16 lists some other performers whose memorabilia or artwork that  
17 you sell?

18 A. Yes.

19 Q. And if you could, please, and I'm asking you based  
20 solely on your own knowledge, I'm not asking you for what  
21 other people think, but what I'd like to know is, could you  
22 go down this list and identify for me any of the artists that  
23 are not primarily rock-and-roll artists?

24 A. Well, we have -- what is your interpretation of  
25 rock and roll?

1 Q. I want to use your interpretation. I didn't come  
2 with any interpretations.

3 A. Of popular music? So I guess you have Willie  
4 Nelson, you have --

5 Q. Okay.

6 A. -- possibly Eric Clapton, Stevie Ray Vaughan,  
7 Prince. If you want to go into heavy metal, under heavy  
8 metal you have Metallica, Rush. Reggae you have Bob Marley,  
9 possibly B.B. King, Carlos Santana. Black Sabbath is heavy  
10 metal, Frank Sinatra is a crooner, you have -- let's see, ZZ  
11 Top is country rock, borderline. Willie Nelson, country. I  
12 put Rush, right, under heavy metal?

13 Q. Uh-huh.

14 A. Prince, pop; Miles Davis, jazz; Madonna, pop,  
15 disco; Elvis, well, older rock.

16 Q. Okay.

17 A. That's it.

18 Q. Okay. Of that list you gave me, I want to go to  
19 the ones that you did not articulate a specific musical type  
20 or genre for and ask you which musical genre you primarily  
21 associate them with, okay? B.B. King I think you gave me?

22 A. Blues.

23 Q. Carlos Santana?

24 A. Older music, or new music, popular, not really --  
25 just -- you ask me to classify rock, so I just --

1 Q. Yes, ma'am.

2 A. -- wouldn't classify Carlos as rock, at my  
3 interpretation of it.

4 Q. What about Prince?

5 A. Prince I said was popular, and I would not in my  
6 interpretation of it consider it to be rock.

7 Q. What about Eric Clapton?

8 A. Eric Clapton is, you know, more -- is bluesy,  
9 blues and popular.

10 Q. In your business are you trying to appeal to fans  
11 of various different types of music?

12 A. To a certain degree, music and art and actually  
13 entertainment.

14 Q. With respect to, for example, the memorabilia on  
15 Exhibit 5, what sells those products is the appeal of the  
16 artist, right?

17 A. I would say if you are buying a Madonna-signed  
18 album cover or a piece of work by Madonna, that you would  
19 like -- or by Kiss, that you like Kiss or you like the  
20 album --

21 Q. With respect to the --

22 A. -- or the artwork.

23 Q. I'm sorry, I didn't mean to interrupt.

24 A. Or the artwork on the particular album.

25 Q. Okay. And with respect to -- well, let me say,



1 this memorabilia that's indicated on Exhibit 5, what type of  
2 memorabilia does that tend to be?

3 A. Music memorabilia could be an album cover, could  
4 be a guitar, could be a pass, backstage pass.

5 Q. T-shirts?

6 A. Not unless worn by the artist.

7 Q. By the artist?

8 A. Yeah, to be memorabilia, for me.

9 Q. Do you sell clothing articles in your business  
10 today? And I mean, as distinct from jewelry, I know you've  
11 got some jewelry, but do you sell more conventional clothing?

12 A. We sell some T-shirts and some clothing.

13 MR. IIDA: I'm going to object that it's  
14 vague. When you refer to "you," are you saying through one  
15 of her businesses or are you saying through Celebrities  
16 Publishing Corp., are you saying through the gallery? I  
17 mean, there's a distinction here, I think. That may be  
18 muddled up.

19 MR. O'NEILL: Okay. Well, I'm not asking her  
20 in her personal capacity. The businesses that we've  
21 identified today are Celebrities Publishing and then the  
22 galleries, which I understand are related, correct?

23 THE WITNESS: They're two separate entities.

24 BY MR. O'NEILL:

25 Q. Okay. Then let's separate them out. The

1 galleries, do they sell any clothing of any type?

2 A. Yes.

3 Q. What kind of clothing?

4 A. Jeans, some jeans, some T-shirts, some wraps to go  
5 to the beach with, some blouses.

6 Q. And is that in the nature of memorabilia or is  
7 that clothing that you would buy just because it's attractive  
8 clothing?

9 A. It's not a memorabilia for us unless it's worn by  
10 the artist. If it's somebody wears a pair of boots, like we  
11 had Kiss boots, then it's under memorabilia, you know,  
12 because it was worn by Paul Stanley.

13 Q. Gotcha.

14 How about Celebrities Publishing, do they sell any  
15 clothing today?

16 A. No, not that I can -- not that I can recall.

17 Q. But the plan is or the hope is that you would do  
18 some clothing with In Blues We Trust -- or, excuse me, In  
19 Rock We Trust, correct?

20 A. The intention is to create a line of clothing and  
21 jewelry and bags to sell in our gallery and possibly to other  
22 stores.

23 Q. Would those be designed to appeal to people who  
24 are fans of perform --

25 MR. IIDA: Could you repeat that, the

1 connection was a little off for a brief second there in the  
2 middle of your sentence.

3 BY MR. O'NEILL:

4 Q. Yes, I said -- sure. I said, is the plan that  
5 those items would be designed or marketed to appeal to people  
6 who are fans of performing artists?

7 A. I don't know. People who like -- people who like  
8 music, people who like the design of what we're creating. We  
9 designed it mostly for us, because we like it.

10 Q. Okay. People who like rock music or is it more  
11 general than that?

12 A. No, people who like rock music. People --  
13 something that we would buy and not -- I mean, In Rock We  
14 Trust, you've seen -- we have clientele, basically people who  
15 are in the rock section, if you looked in Borders who shop  
16 with us, who actually buy things from us, who -- that would  
17 be, you know, the appeal.

18 Q. Did you expect to market it to people who have a  
19 particular preference for B.B. King and Stevie Ray Vaughan?

20 A. I think the people who would buy our things would  
21 like rock, like rock-and-roll music. And the artists that  
22 shop with us, a lot of them are rock-and-roll artists, people  
23 who have bought things from us, who shopped with us, who buy  
24 jewelry, who buy clothing from us.

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4 Q. Go ahead and take a look at Exhibit 4, please.  
5 It's the one that features jewelry from your Web site.

6 A. Yeah.

7 Q. You got it?

8 A. Yes.

9 Q. Is this a printout from your Web site, from  
10 Celebrities' Web site that shows the jewelry that you sell?

11 A. Yes.

12 Q. And the jewelry also appears to feature various  
13 musical artists; is that true?

14 A. Just one, I believe. I think Royal Order, you  
15 know, has Kiss, but the rest of these are done by those  
16 particular manufacturers or wholesalers, and the only one I  
17 see featuring one -- I mean, I'm looking at Paul Stanley on  
18 one. That's as far as a musician, or -- I mean, or Jimmy  
19 Hendrix art or photography which is on the back of a -- but  
20 that's from Gina Alexander, the Jimmy Hendrix limited edition  
21 jacket. Oh, that's under clothing, though, but you're  
22 talking about jewelry, right?

23 Q. Yes, ma'am.

24 A. So out of the three that are here, there's one  
25 from the manufacturer using Paul Stanley.

1 Q. Okay. And he's from Kiss, correct?

2 A. Uh-huh.

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Q. Have you given any thought to what types of marketing efforts you might make that would be directed both at -- let me start over.

Have you given any thought at all to what form of marketing or what form your marketing materials would take for the Celebrities Publishing business?

A. High end -- for the publishing business or for In Rock We Trust?

Q. Let's do In Rock We Trust.

A. Okay. In Rock We Trust would be marketed, I guess, similar in -- depending on which line you're talking about, but more similar to what we sell, which would be high end, skulls, crosses, a little bit of gothic, you know, merchandise appealing to the same -- like Ed Hardy, like -- that would appeal to, I don't know, the people who like merchandise that's hip and cool.

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Q. You market to a significant number of people from Southern California?

A. I would say because of the geographic position of Maui and the galleries and, you know, we have a large amount of visitors that frequent the gallery who would be from the west coast in general.

Q. What about the L.A. area in particular?

A. What was the question?

Q. I said -- I'll rephrase it.

Do you market to a lot of people who are from the Southern California area, and more particularly L.A.?

A. I don't know if that's really a big -- you know, yeah, it's part of our market base, but I don't know how strong. You know, we have clients from everywhere, all over the world.

Q. Do you have a bigger market base than Southern California, to your knowledge?

A. No. I mean, in comparison to any other -- I mean, in Hawaii, no, I don't think so. I mean, the usual, like everyone else in Hawaii, west coast, but I wouldn't say that

1 predominantly from Los Angeles or from south Los Angeles.  
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Q. Let's talk about that. You filed your trademark application some time ago, right?

A. Uh-huh.

Q. Who was it who thought up the phrase "In Rock We Trust"?

A. I did.

Q. Did your husband have any involvement?

A. No. It was me. Unfortunately. It was me. I admit it. I had a big light bulb that day.

1 Q. Why did it -- why did it appeal to you or why did  
2 you select it?

3 A. Because we like skulls and we like the dollar  
4 bill, In God We Trust, In Rock We Trust, and I thought it was  
5 quite clever.

6 Q. Is your husband a musician?

7 A. No.

8 Q. He's been in the music industry before?

9 A. Yes, and he likes skulls.

10 Q. Can you give us -- can you just give us a brief  
11 overview of what he did in the music industry?

12 A. He was a video director, performer, record  
13 producer.

14 Q. For who?

15 A. For all, at one time for EMI, an independent in  
16 France.

17 Q. What kind of videos did he produce?

18 A. Popular, more for popular music, music videos.

19 Q. You're not a musician?

20 A. No.

21 Q. Okay. And you think he's not, either?

22 A. He's not a musician. He doesn't play a musical  
23 instrument well enough to be considered a musician, or he  
24 hasn't gotten paid to play music.

25 Q. When you came up with In Rock We Trust, what were

1 you trying to go for in terms of brand identity or brand  
2 meaning?

3 A. The rock -- we like the dollar bill with the  
4 skulls, In Rock We Trust. And rock, you know, for many of  
5 our friends and for us it's like, it's a style. It's a  
6 style.

7 Q. In what sense?

8 A. There's a certain look with it. There's a certain  
9 life-style. I mean, aside -- you know, yeah, there's a look.

10 Q. Are you talking about the rock-and-roll  
11 life-style?

12 A. Uh-huh.  
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3 Q. What is the type of image or commercial message  
4 that you hope that that line will convey in the marketplace?

5 A. Somebody who wants to be different, wants to wear  
6 something hip, cool. In Rock We Trust? That's it.

7 Q. That's it, different, hip, and cool?

8 A. Hip, cool, rock and roll, people who wear --  
9 people who -- people who would want to -- people who wear  
10 this type of jewelry and T-shirts, who have the look.

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15 MR. O'NEILL: Chad, you want to show her  
16 Exhibits 6 and 8 real quick?

17 MR. IIDA: Sure.

18 How are you doing?

19 THE WITNESS: I'm fine. I'm getting hungry,  
20 but I'm fine. Is this it?

21 MR. IIDA: Yes. There should be two in  
22 there.

23 BY MR. O'NEILL:

24 Q. Let's do eight first. I think it will be easier.

25 A. Eight?

1 Q. Yes, eight.

2 Is Exhibit 8 a printout of the section of your  
3 Celebrities Web site that deals with the Rolling Stones  
4 memorabilia?

5 THE WITNESS: Oh, I see it right here. You  
6 have it.

7 So the gallery?

8 BY MR. O'NEILL:

9 Q. Yes, ma'am.

10 A. Yes.

11 Q. Okay. I told you that would be easy. You can put  
12 that aside. Let's try Exhibit 6.

13 A. Okay.

14 Q. Is Exhibit 6 a printout of an article from Maui  
15 Time magazine about one of your galleries?

16 A. Yeah, awhile ago.

17 Q. Do you remember this article coming out?

18 A. Yes, it was a long time.

19 Q. Sure. It's sort of an interview with your husband  
20 is what it looks like; is that correct?

21 A. Uh-huh.

22 Q. And in the second full paragraph under the heading  
23 How Did the Gallery Get Started; do you see that?

24 A. Uh-huh.

25 Q. Apparently your husband says, Being a former

1 record producer and involved in the music business, I decided  
2 to start a rock and roll art gallery. Do you see that?

3 A. Uh-huh.

4 Q. Is that a -- was your husband honestly describing  
5 the business that he set out to build around your art  
6 gallery?

7 A. I think it evolved. I don't think it was set up  
8 that way and I don't think that it has stayed the same,  
9 either, from that point.

10 Q. Okay. That was his description of it at the time,  
11 though?

12 A. The name at that point was New York Paris Gallery  
13 and --

14 Q. Right.

15 A. -- at that point I believe, if we were still under  
16 the name of New York -- when we first started our gallery, we  
17 had a section that had music, I think it was just -- first,  
18 just Ronnie Wood and we had some solo artists and we had  
19 different artists. And then it at this point we were mainly  
20 just art, but we had artwork by a bunch of -- I think a  
21 bunch -- we had a bunch of different artists and then we  
22 changed our name when we moved to a different location. We  
23 opened a new gallery called Celebrities Galleries, and since  
24 we had Celebrities Galleries, we've had a certain amount of  
25 memorabilia and artwork and then jewelry and clothing, and

1 it's evolved.

2 Q. Okay.

3 A. And it's been over a period of 12 years.

4 Q. I understand there's an been an evolution. At  
5 least when your husband started out in the gallery business,  
6 is it a fair characterization to say that he started a  
7 rock-and-roll art gallery?

8 A. No, not when he --

9 Q. You don't think --

10 A. I don't know what his -- his idea was, but in the  
11 beginning it was called New York Paris Gallery, so it was  
12 about having cool art.

13 Q. Do you remember this article coming out?

14 A. Vaguely.

15 Q. Do you think it's an incorrect statement that your  
16 husband decided to start a rock-and-roll art gallery?

17 A. I'm not sure if he's talking about when we were --  
18 I think at this point in the game we were between -- we were  
19 moving locations, I believe, from New York Paris Gallery, our  
20 initial gallery, and embarking on Celebrities Galleries, just  
21 because the name is under New York Paris Gallery and our name  
22 is now Celebrities Galleries, so maybe he decided to carry  
23 artwork by different celebrities, some of them artists,  
24 Anthony Quinn, Tony Bennett, Sylvester Stallone, and yet he  
25 called it a rock-and-roll gallery, but he writes there that



1 it's 99 percent celebrity oriented. But there was -- I think  
2 there was clothing and some jewelry in the store at that  
3 time, but it's evolved much more now.

4 So I'm not really sure when he says he anticipates  
5 to start a rock-and-roll art gallery, but then in the same  
6 sentence he said it's a celebrity, you know, 99 percent  
7 celebrities and then he names some actors, you know, in the  
8 same realm. I think it's, you know, general. For him, rock  
9 and roll is like a life-style, rock, you know. He keeps  
10 saying like life-style rock and roll, life-style.

11 Q. Rock and roll --

12 A. And you can see how he uses it, rock-and-roll art  
13 gallery, but you see that it's celebrity artwork and some of  
14 them listed are actors.

15 Q. Okay. You're done?

16 A. Uh-huh.

17 MR. O'NEILL: Okay. Let me object as  
18 nonresponsive.

19 BY MR. O'NEILL:

20 Q. Do you believe that your husband was misquoted at  
21 the time the article was written?

22 A. No.

23 Q. Did you or your husband write --

24 A. He never --

25 Q. -- to Maui Time magazine and say that you

1 misquoted us, we did not start a rock-and-roll art gallery?

2 A. I think that my husband, he's French, and he  
3 writes that "I decided to start a rock-and-roll art gallery.  
4 My first artist was Ron Wood. He did so well and had so much  
5 interested I decided to expand. I then started to sell  
6 Lennon, Garcia and Miles Davis. Within the last five years  
7 the gallery has expanded to the point of carrying 99 percent  
8 of celebrity art, included are artists Anthony Quinn, Tony  
9 Bennett, and Sylvester Stallone."

10 So if he decided to start a rock-and-roll art  
11 gallery, but he names it New York Paris Gallery or Celebrities  
12 Galleries, I think that maybe -- I don't know why he said  
13 that. "I decided to start a rock and roll art gallery."  
14 Doesn't bother me. Celebrities Art Gallery, but our name is  
15 Celebrities Art and it says we sell 99 percent artwork by  
16 celebrities.

17 MR. O'NEILL: Object, nonresponsive.

18 BY MR. O'NEILL:

19 Q. Let me just do the question in very simple terms.  
20 Did you or your husband call or write the magazine and say or  
21 complain that there was anything incorrect about the article?

22 A. No.

23 Q. You mentioned that your husband -- that to your  
24 husband, rock and roll is a life-style. Does he live that  
25 life-style?

1 A. He tries.

2 Q. And how --

3 A. We're getting a little old for it.

4 Q. How does he do that?

5 MR. NOAH-MARTI: Stay up late.

6 THE WITNESS: He stays up late. Is this like  
7 Oprah? He stays up late, I have to admit. He wears -- I  
8 mean, he wears jewelry, a lot of cool jewelry, you know, he  
9 has certain -- he's an artist and he has artwork that  
10 would -- that's, you know, that's cool.

11 BY MR. O'NEILL:

12 Q. Can you think of any other ways in which he tries  
13 to live a rock-and-roll life-style?

14 A. To -- so he listens to rock music, Guns N' Roses,  
15 he has a motorcycle, he has a Hummer, he has cool art on the  
16 wall, he wears skulls, he wears crosses, you know, bracelets,  
17 jewelry. This Halloween he wore an afro.

18 Q. Skulls?

19 A. Yeah.

20 Q. Skulls.

21 A. Skulls, crosses, motorcycle.

22 Q. He's your ideal customer for In Rock We Trust  
23 merchandise, isn't he?

24 A. Yeah.

25 Q. Let's talk about your trademark application, and

1 we're almost through, so I appreciate you bearing with me.

2 Why don't you take a look at Exhibit 9, if you  
3 would. Can you identify that for me?

4 A. It says USPTO Summary Page, In Rock We Trust.

5 Q. Right.

6 A. Yes?

7 Q. Okay. I know you can read it.

8 A. Okay.

9 Q. Your reading skills, I'm sure, are very good.  
10 What I want to know is, do you recognize it?

11 A. Not this particular page.

12 Q. Do you recognize any portion of it?

13 A. I mean, you mean that --

14 MR. IIDA: The whole document.

15 THE WITNESS: I can look at it now.

16 I mean, I know, yes, we're looking for In  
17 Rock We Trust, right?

18 BY MR. O'NEILL:

19 Q. Uh-huh.

20 A. Things that have "trust" in it, things that have  
21 "rock" in it, things that have "in."

22 Q. Was this document prepare at your request?

23 A. Yes, I requested that we do -- that we register  
24 the name. I think I did a preliminary search online by  
25 myself and found that it wasn't there, and then called up,

1 you know, my lawyers to get it registered properly.

2 Q. Is this your search or do you think this was done  
3 by the lawyers?

4 A. I think that this was done by the lawyer, because  
5 that's why it's here.

6 Q. Okay. When you did your own preliminary search,  
7 what did you come up with?

8 A. That it wasn't there.

9 Q. That what wasn't there?

10 A. In Rock We Trust was not registered.

11 Q. Okay. You were looking for just In Rock We Trust?

12 A. I was more interested in -- yeah, In Rock We  
13 Trust.

14 MR. IIDA: Kirt, we've got to pause to change  
15 the tape here on this side.

16 MR. O'NEILL: Okay.

17 MR. IIDA: Do you want to just take like a  
18 three-minute break or so?

19 MR. O'NEILL: That's fine with me.

20 MR. IIDA: Okay.

21 THE VIDEOGRAPHER: This is the end of tape 1.  
22 We're off the record at 1:22 p.m.

23 (Recess taken.)

24 THE VIDEOGRAPHER: This is the start of  
25 tape 2, and we're back on the record at 1:28 p.m.

1 BY MR. O'NEILL:

2 Q. Ms. Marti, we were talking about Exhibit 9. Would  
3 you also get in front of you Exhibit 12, which is another  
4 sort of trademark search document.

5 A. Yes.

6 Q. These are similar documents, so if you could, I'd  
7 like for you to explain how each of these documents came  
8 about.

9 A. So it must be part of the search that the  
10 attorneys did at the U.S. State Patent and Trademark Office  
11 listing all the right -- In Pizza We Trust, In Good We Trust,  
12 In COD We Trust, In Tea We Trust, everything. I think --

13 Q. Let's separate --

14 A. I think it's with "trust" on the second page, the  
15 second Exhibit 12 is about trust.

16 Q. Do you believe that both of these were prepared by  
17 your attorneys?

18 A. Yes.

19 Q. Okay. And did they provide either of these  
20 reports to you, you know, prior to you being deposed today?

21 MR. IIDA: To the extent that it calls for  
22 you to reveal any communication we had, then I instruct you  
23 not to answer.

24 THE WITNESS: Okay.

25 BY MR. O'NEILL:

1 Q. I'm not asking for communications. I just want to  
2 know when is the first time you saw each of these documents?

3 A. I'm not really sure.

4 Q. Do you recall personally reviewing either of these  
5 documents before you came to the deposition today?

6 A. Before I came to the deposition today, going  
7 through a search, looking through it, asking if it was still  
8 available, and continuing with the registration, yes, but  
9 would I go through every single -- you know, I kind of go  
10 like this, okay, you know, it's fine. Is In Rock We Trust  
11 there, no, but there's -- interesting, there's In House We  
12 Trust, there's In Fries We Trust, there's In God We Trust, In  
13 Tea We Trust, In COD We Trust, just like that.

14 I'm more interested in In Rock We Trust, and I  
15 assume that seeing In Rock We Trust here live, that that's  
16 me, right? Because I don't know when this record was done.  
17 Is this like a new record?

18 Q. Let me try to get at it a different way.

19 What I'm trying to determine is whether you were  
20 provided with either of these documents prior to filing for  
21 your trademark.

22 A. Okay. That's what I thought. I was provided with  
23 some documentation, yes.

24 Q. Okay. Exhibit 9, Exhibit 12, or both?

25 A. I can't be exactly sure.

1 Q. I see.

2 A. I mean, I was provided with a stack of papers that  
3 said -- you know, of the search. I went online, I did some  
4 searching as well, then I registered. That's what I mean,  
5 this is from --

6 Q. In preparation for your deposition today, did you  
7 do any investigation into when your company first became  
8 aware of In Blues We Trust?

9 A. In Blues We Trust, no, I never thought of it like  
10 at all, like never.

11 Q. I have a slightly different question. In  
12 preparation for your deposition today, did you go back and  
13 check any documents or notes to try to find out when your  
14 company first learned of In Blues We Trust?

15 A. In preparation of today did I go back through and  
16 try to figure out when I figured out In Blues We Trust. In  
17 Blues We Trust, if you ask me about House of Blues, I would  
18 just say House of Blues. In Blues We Trust, if I look at  
19 this page, it doesn't register for me. It's In Golf We  
20 Trust, Rockboy and Pain We Trust, In God We Trust, In Denim  
21 We Trust. Doesn't do anything for me. So would I think  
22 about In Blues We Trust, I don't care about In Blues We  
23 Trust. I care about In Rock We Trust.

24 MR. O'NEILL: Objection, nonresponsive.

25 BY MR. O'NEILL:



1 Q. Why don't we take a look at Exhibit 1. If your  
2 counsel has Exhibit 1, let's go over that.

3 MR. O'NEILL: It's a 30(b)(6) notice, Chad.

4 MR. IIDA: Yes.

5 BY MR. O'NEILL:

6 Q. Ms. Marti, have you been shown Exhibit 1 prior to  
7 appearing today for your deposition?

8 A. Yes.

9 Q. Were you shown the list of topics on the last page  
10 of Exhibit 1?

11 A. I think -- yes.

12 Q. Was it your understanding that as the corporate  
13 representative of Celebrities Publishing, that you were  
14 supposed to appear here today and give testimony on these  
15 topics?

16 A. On In Rock We Trust?

17 Q. No, ma'am, on the eleven specific topics listed on  
18 the exhibit.

19 A. Yes, on the applicant's mark, I mean, for me I see  
20 a lot of applicant's mark, applicant trademark, which I would  
21 assume would be In Rock We Trust.

22 Q. Right. Look at topic number six, applicant's  
23 knowledge or investigation of opposer's mark and/or opposer;  
24 do you see that?

25 A. Yes, my knowledge of it?

1 Q. Yeah, are you prepared to testify about that  
2 today?

3 A. Sure.

4 Q. What did you do to get prepared to testify about  
5 when your company first became aware of In Blues We Trust?

6 A. I was not aware of it until you brought this  
7 lawsuit against me.

8 Q. That's what I'm trying to find out. You notice  
9 that on Exhibit 9, which is one of the trademark reports, In  
10 Blues We Trust is on there; do you see that?

11 A. Yes. But if ask you me if I'm aware of Rockboy &  
12 Pain Trust, and I saw it, I'm not going to remember in  
13 Rockboy and Pain We Trust or it's -- you know, and the  
14 different variations of God or In House We Trust or whatever.  
15 I mean, I'm just looking for -- I looked at it, boom, is In  
16 Rock We Trust there, no, it's not, then, good, let's move  
17 forward.

18 Q. Okay. So --

19 A. I mean, so could I have seen it like in a group  
20 and thought about it, no.

21 MR. O'NEILL: Objection, nonresponsive.

22 BY MR. O'NEILL:

23 Q. What I'm trying to find out is whether this search  
24 report, Exhibit 9, was provided to you.

25 A. I'm sure it was. Probably. It looks like it

1 was -- at which time, I'm not sure. Looking at this, I can  
2 see In Rock We Trust is on there and at this point we have it  
3 registered to us. In the other one I don't see In Rock We  
4 Trust on there. There's a lot of stuff "in trust" on there.  
5 If you ask me if I saw it three years ago when I was  
6 registering my trademark or two-and-a-half years ago In Fries  
7 We Trust, I don't remember that.

8 MR. O'NEILL: Objection, nonresponsive.

9 BY MR. O'NEILL:

10 Q. We will get through a lot faster if we just try to  
11 get down to answering the question. Okay?

12 A. Okay.

13 Q. It's a simple question. I'm trying to find out  
14 whether you or somebody else at your company was aware of In  
15 Blues We Trust or whether you had a trademark search report  
16 reflecting In Blues We Trust at the time that you decided to  
17 move forward with your own brand.

18 MR. IIDA: Object. That's a compound  
19 question.

20 THE WITNESS: I mean, if you're asking me if  
21 I saw In Blues We Trust on the paper, that it was there and I  
22 possibly could have seen it, yeah. So? I don't get it. I  
23 don't care about it. I wouldn't have looked at it. It was  
24 probably there.

25 MR. O'NEILL: Objection, nonresponsive.

1 BY MR. O'NEILL:

2 Q. In preparation for your deposition today, did you  
3 go back and look at any documents or talk to any other  
4 witness to refresh your recollection about whether your  
5 company knew of In Blues We Trust at the time you decided to  
6 move forward with your trademark?

7 A. Did we talk about when I thought about In Blues We  
8 Trust?

9 Q. No. The question was, in preparation for your  
10 deposition today, did you make any effort to go back into the  
11 documents or talk to any witness about when you first became  
12 aware of In Blues We Trust?

13 A. So I did -- I guess we may have reviewed some  
14 documentation today in preparation for this deposition,  
15 looking through a big stack of papers, and we may have talked  
16 about how I came up with the mark, which is -- which is In  
17 God We Trust and with the -- I don't get it.

18 Q. Okay. Based on the -- let's try to speed it up.  
19 I know y'all are hungry and I am, too.

20 Based on the review that you did today, do you  
21 have any knowledge or understanding of when your company  
22 first became aware of In Blues We Trust?

23 A. When you sued us. When you sued us is when we  
24 took notice of In Blues We Trust. We don't care about In  
25 Blues We Trust or In God We Trust or In Denim We Trust. I

1 say that your name could have been there, but we wouldn't  
2 have noticed it.

3 MR. O'NEILL: Objection, nonresponsive.

4 BY MR. O'NEILL:

5 Q. You described the trademark search that your  
6 attorney did --

7 A. Yes.

8 Q. -- before you filed for your trademark.

9 A. Yes.

10 Q. So your best recollection as you sit here today as  
11 the corporate representative of Celebrities Publishing --

12 A. Uh-huh.

13 Q. -- is that trademark search in front of us here  
14 today as Exhibit 9 --

15 A. Yeah.

16 Q. -- Exhibit 12 or otherwise.

17 A. Yes.

18 Q. Okay. Which one, you're looking at Exhibit 9?

19 A. Yes.

20 Q. Do you think that this is a trademark search given  
21 to you by your attorneys prior to the time that you decided  
22 to move forward with In Rock We Trust?

23 A. I'm not sure of the exact date for this particular  
24 one, but, yes. There's no date on here as to when it was  
25 done, and I see that there are 100 names here listed that go

1 with trust or go with the best in rock and roll, heart in  
2 rock and roll because it's matching us on "rock," in "trust,"  
3 on "in," and there are 105 names listed in different groups.

4 MR. O'NEILL: Let me object as nonresponsive.

5 BY MR. O'NEILL:

6 Q. Can you give me -- let me start over.

7 Is it your best assessment today as the corporate  
8 representative of Celebrities Publishing, that Exhibit 9 is a  
9 trademark search report that was provided to you prior to the  
10 decision to move ahead with In Rock We Trust?

11 A. Possibly, but I don't have a date on this  
12 particular page, so I don't know when it was done. But it  
13 was given to me at some point before this -- it's part of our  
14 packet, so it was given to us before this deposition. On  
15 this other particular one there's a date given, 2005. This  
16 particular one, Exhibit 9, it was given to us at some point  
17 before. It's part of -- it says USPTO Summary Page, there  
18 are a hundred pages documented, over 20 pages, yeah.

19 Q. In preparation for your deposition today, did you  
20 try to identify the date on which your company might have  
21 received Exhibit 9?

22 A. No.

23 MR. O'NEILL: Chad, can we go off the record  
24 for just a second?

25 MR. IIDA: Sure.

1 THE VIDEOGRAPHER: Let's go off the record at  
2 1:42 p.m.

3 (Off the record.)

4 THE VIDEOGRAPHER: We're back on the record.  
5 It is 1:49 p.m.

6 MR. O'NEILL: Counsel, for the record I think  
7 we have agreed to remark Exhibit 9, and we will put the cover  
8 page from the search report on there that has the date of  
9 June 1, 2004, and consequently Exhibit Number 9 will consist  
10 of your document production Bates number 2, followed by Bates  
11 numbers 11 through 19. Okay?

12 MR. IIDA: Yes, that's fine.

13 BY MR. O'NEILL:

14 Q. And, Ms. Marti, I think your counsel will confirm  
15 to you that the Exhibit 9 report that we've been looking at  
16 is dated June 1, 2004. Does that --

17 A. Yes.

18 Q. Does that refresh your recollection on when this  
19 report was prepared and delivered to your company?

20 A. Okay.

21 Q. And if you'll look at the report, obviously it has  
22 In Blues We Trust on there, number four; do you see that?

23 A. Uh-huh.

24  
25 REDACTED

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REDACTED

Q. In any of the searching or investigation that you or your attorneys did on your behalf, did you ever find any other trademark consisting of In "blank" We Trust where the blank is a musical genre?

A. Are you saying did we find anything?

Q. Yes, ma'am.

A. Since then? Like before this deposition have we seen anything? I think like In House We Trust, recently, In -- we were laughing, In Classical Music We Trust, we were going what are you going to do, In Jazz We Trust.

Q. Do you see those?



1 A. No.

2 Q. Okay.

3 A. In Fries We Trust, In Gold We Trust.

4 Q. Let me try it again.

5 A. In Pizza We Trust.

6 Q. At any time prior to your deposition today have  
7 you been aware of any trademark consisting of In "blank" We  
8 Trust where the blank is a musical genre?

9 A. So I guess now we know of In Blues We Trust  
10 because you're suing us and we know of In House We Trust.

11 Q. Are there any others?

12 A. Not that I can recall.

13 Q. And it's your belief that house is a musical  
14 genre?

15 A. Yeah, house music, in the house of God, I don't  
16 know. I don't really think about it that much. I'm mostly  
17 concerned with In Rock We Trust.

18 Q. Describe what house music is for us.

19 A. House music is probably more techno.

20 Q. Who are some house music artists that you're  
21 familiar with?

22 A. Don't know any. I don't know any house music. I  
23 know -- I know style of music that's house music.

24 Q. Is there any particular number or piece that you  
25 can recall by title that you would characterize as house

1 music?

2 A. No. I know where you would go to listen to it,  
3 probably at a rave.

4 Q. Okay. And just so we're clear, you cannot name  
5 any noted house music artist and you cannot name any number  
6 or piece by title that you would characterize as house music?

7 MR. IIDA: Asked and answered. Compound  
8 question.

9 THE WITNESS: Techno music? It could be In  
10 House We Trust, it could also be a building house. Rap, rap  
11 music, In Rap Music We Trust? House, I don't know.

12 BY MR. O'NEILL:

13 Q. Can you answer?

14 MR. IIDA: I think she did answer it. Asked  
15 and answered.

16 MR. O'NEILL: May I have the court reporter  
17 read the question back, please

18 (Record read.)

19 MR. IIDA: Can we go above that, what was the  
20 question before that?

21 MR. O'NEILL: No, sir. No, sir, I want her  
22 to answer that question.

23 MR. IIDA: Well, I object to that. It's  
24 asked and answered and it's compound.

25 MR. O'NEILL: Your objections are noted, so

1 let's have her answer the question.

2 THE WITNESS: House music, rap music, house  
3 rap music. I don't know.

4 MR. IIDA: Do you understand the question?

5 THE WITNESS: Is that like -- define house  
6 music. House music.

7 MR. NOAH-MARTI: Can you -- (inaudible).

8 THE WITNESS: Do you mean like Jay-Z, do you  
9 mean like -- you know, like --

10 MR. IIDA: Do you understand the question?

11 THE WITNESS: House music?

12 MR. IIDA: You can ask him to rephrase it if  
13 you don't understand it.

14 THE WITNESS: Okay. Rephrase it.

15 BY MR. O'NEILL:

16 Q. Do you know what house music is?

17 A. I know like -- I guess house is dance music,  
18 techno music, rap music. I mean, how -- how precise do you  
19 want to be?

20 Q. I want to be as precise as you want to be in  
21 telling us what house music is.

22 A. So I guess, yes, house music, dance music, rap  
23 music, that would be my clarification. Techno music, under  
24 house music, I mean, Beyonce, Jay-Z, Nelly at certain points,  
25 could be more techno.

1 MR. O'NEILL: I move to strike as  
2 nonresponsive.

3 BY MR. O'NEILL:

4 Q. Let's do it in chunks. Can you describe for us  
5 what house music is?

6 MR. IIDA: Asked and answered.

7 THE WITNESS: So --

8 MR. IIDA: How many times do you want to ask  
9 this question? I don't -- I don't get it.

10 MR. NOAH-MARTI: Dance music, what do you  
11 want to know?

12 THE WITNESS: Rap, dance music.

13 BY MR. O'NEILL:

14 Q. Okay. Using your best understanding of house  
15 music, can you identify any artist who's known as being a  
16 house music artist --

17 MR. IIDA: Asked and answered.

18 BY MR. O'NEILL:

19 Q. -- or can you identify any piece of music that you  
20 would characterize as house music?

21 MR. IIDA: Objection. Asked and answered.

22 THE WITNESS: I don't know. Nelly. Hey, Ya,  
23 or is that OutKast, certain -- Beyonce, Rihanna. That's it.

24 BY MR. O'NEILL:

25 Q. Okay. Any titles of songs that you can think of?

1 MR. IIDA: Same objection.

2 THE WITNESS: I have Hey, Ya. I don't know.  
3 This is bullshit. That's it.

4 MR. O'NEILL: And can I have the court  
5 reporter read that back, please.

6 (Record read.)

7 BY MR. O'NEILL:

8 Q. Now, how do you spell Paya?

9 A. It's Hey, Ya.

10 THE COURT REPORTER: Oh, sorry.

11 BY MR. O'NEILL:

12 Q. Hey, Ya, how do you spell that?

13 A. H-E-Y, space, Y-A.

14 Q. I'm curious why you think it's bullshit.

15 MR. IIDA: Objection. Argumentative.

16 MR. O'NEILL: No, it's not argumentative.  
17 It's her own testimony.

18 BY MR. O'NEILL:

19 Q. What's bullshit about it?

20 A. Let me ask you, if somebody registered In  
21 Classical Music We Trust and I said, why don't you name this  
22 person who did classical music, or Japanese music, for  
23 example, and I said, can you describe to me Japanese music  
24 and can you tell me some of the artists, what does that have  
25 to do with In Rock We Trust?

1 MR. O'NEILL: I object as nonresponsive. I'm  
2 not under oath and I'm not testifying.

3 BY MR. O'NEILL:

4 Q. I need to know why you think it's bullshit. Was  
5 there something about the question, is it something about the  
6 procedure? Are you saying it because you are unable to give  
7 a description of house music?

8 MR. IIDA: Well, if you don't know, don't  
9 guess. If you don't know, don't guess.

10 THE WITNESS: I already answered the  
11 question.

12 BY MR. O'NEILL:

13 Q. I need to find out what you think was bullshit.  
14 Was it the question, was it the answer or was it something  
15 else?

16 A. Actually, it's your question.

17 Q. Okay. Why is it bullshit?

18 A. Because that's what I think it is. That's it.  
19 That's my answer.

20 Q. What's bullshit?

21 MR. IIDA: Asked and answered.  
22 Argumentative.

23 THE WITNESS: I've already answered it. I've  
24 already answered both of those questions. Yes, I mean, I've  
25 already answered it, and you keep asking me the same thing

1 over and over and over again. God.

2 BY MR. O'NEILL:

3 Q. And you keep not answering, so I'm trying to  
4 get answers to the question.

5 A. I keep answering. I keep answering you and you  
6 just don't like the answers, and you keep asking me the same  
7 questions and I'm getting tired of it because it's the same  
8 question and I'm answering you.

9 Q. Was it a difficult question for you?

10 A. No, I'm just tired of answering the same question  
11 over and over and over again.  
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Q. I know you saw that in your trademark report, Exhibit 9, do you have any knowledge that whoever filed for that is actually using it?

A. Actually, you know what, I don't even know if I noticed it on Exhibit 9 before. Is it on Exhibit 9 or is it on Exhibit 12? I think that's -- which exhibit is In House We Trust on? Is it in 9? Oh, it is.

Q. It's in 9.

A. Okay. Third page.

Q. I'm sorry, number 15 in the --

MR. IIDA: Second page. Well, third page when you add the document Bates number 2.

THE WITNESS: Actually --

BY MR. O'NEILL:

Q. Are you there now?

A. Yeah, I mean, In House We Trust, in fact, I never noticed it on Exhibit 9 when I first got it. I never noticed



1 In Blues We Trust, and it was just brought to my attention,  
2 you know, after the fact.

3 Q. By who?

4 A. Probably by my attorney.

5 Q. The question that I had for you was, are you aware  
6 that anybody's actually using In House We Trust in the  
7 marketplace today?

8 A. No.

9 Q. In fact, looking at Exhibit 9, are you aware of  
10 any of the trademarks in this report actually being used in  
11 the marketplace today?

12 A. I mean, well, looking it over today, We Will Rock  
13 You, Hard Rock Cafe, I know my girlfriend has Rock 'N  
14 Royalty, you know, today if you ask me, yes, In Blues We  
15 Trust, it says House of Blues Brand next to it. Other than  
16 that, looking through these, Rock 'N Royal, huh-uh, that's  
17 about it.

18 Q. Just the ones you named just now?

19 A. Uh-huh.  
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1 Q. Have you given me all the company's knowledge  
2 about actual use of any of the trademarks in Exhibit 9?

3 MR. IIDA: Vague and ambiguous.

4 THE WITNESS: I don't think there's any  
5 confusion. I don't confuse it. I never did.

6 BY MR. O'NEILL:

7 Q. Ma'am, the word "confusion" is not in my question  
8 nor was the word "similar" in my question. Let's try it  
9 again.

10 Have you given me all of the company's knowledge  
11 about whether any of the trademarks in Exhibit 9, whether you  
12 consider them --

13 A. Exhibit 9.

14 Q. -- similar or not, have you given me all the  
15 company's knowledge about whether any of those trademarks are  
16 actually in use by their owners?

17 A. Did I go through this list and figure out who is  
18 using on Exhibit 9, actively using their names today? By  
19 looking at it, I can see that Hard Rock Cafe is using Hard  
20 Rock Cafe, We Will Rock You is being used by Queen  
21 Productions, Rock 'N Royal is being used by my girlfriend,  
22 and as for the rest, I do not recognize them as being used to  
23 my knowledge.

24 Q. Okay. Let me come at it from a different angle.  
25 Other than what's specifically stated in the report about

1 who's using and who's not, do you have knowledge beyond what  
2 you've already told me about the actual use of any of these  
3 trademarks in the marketplace today?

4 A. Oh, okay. Wait. I have that you sent in as part  
5 of your package that I believe entrances of your  
6 establishments and that you have provided documentation to us  
7 of your use of In Blues We Trust --

8 Q. Okay. Let's --

9 A. -- as part of this -- of your submitting.

10 Q. Correct.

11 Other than House of Blues, are you specifically  
12 aware of any products or services in the marketplace that use  
13 any of these trademarks in Exhibit 9, other than what you've  
14 already told me?

15 A. No.

16 Q. Look at Exhibit 12, if you would, which is the  
17 other trademark report.

18 A. Yes.

19 Q. Do you have personal familiarity with actual use  
20 in the marketplace of any of the brands listed in the  
21 trademark report of Exhibit 12?

22 A. I think possibly In Tea We Trust, but I can't tell  
23 you exactly where it is, who's using it.

24 Q. And which line are you looking at on the report?

25 A. In Tea We Trust, line 26, maybe it's Republic of

1 Tea, but I can't be sure. I don't know.

2 Q. Okay. Are there any other trademarks in Exhibit  
3 12 -- well, let me start over.

4 Are there any trademarks in Exhibit 12 that you  
5 personally know are in use in the marketplace today?

6 A. Well, you're listed again, do you want me to say  
7 your name? When I'm looking at the page I find In Blues We  
8 Trust on the fourth page or something.

9 Q. Okay. I appreciate you pointing it out. I'll --  
10 let me -- let me exclude that out. Other than my own  
11 client's use of In Blues We Trust, are you personally  
12 familiar that any of the marks in Exhibit 12 are actually in  
13 use in the marketplace today?

14 A. No, and we're there, In Rock We Trust. So other  
15 than In Rock We Trust, which is not being used, or because we  
16 can't use it right now, or In Tea We Trust, no, I don't know  
17 anybody else, or In Blues We Trust.

18 MR. IIDA: Do you have a whole lot more  
19 questions?

20 THE WITNESS: Can I take it back? What about  
21 In God We Trust. I always overlook that. In God We Trust.  
22 It's on the dollar bill.

23 BY MR. O'NEILL:

24 Q. Okay. Are you aware of that being used anyplace  
25 other than the dollar bill?

1 A. No. Maybe in Andy Warhol's art at some point.

2 Q. You've applied to register your mark, your  
3 trademark, In Rock We Trust, for clothing, jewelry, and some  
4 items such as handbags and so forth, correct?

5 A. Yes.

6 Q. And in your world, the world that you do business  
7 in, is it fairly common for people to use a single brand for  
8 clothing, jewelry, and handbags?

9 A. When you mean a single brand, we have three  
10 separate registrations, right --

11 Q. Uh-huh, right.

12 A. -- under different areas because we have do it  
13 that way.

14 Q. Right.

15 A. And am I aware of anyone else who does do business  
16 like that, that sells clothing, jewelry, and handbags? Yes.

17 Q. That's essentially --

18 A. Okay. Yes, I'm aware.

19 Q. Can you give us some examples of brands that  
20 you're aware of that might be used on clothing, jewelry,  
21 handbags?

22 A. Ari Soffer, some of the people that we deal with,  
23 which is on the Web site, Royal Order, which is Rock 'N Royal  
24 as well.

25 Q. Any others?

1           A.    No, that I know of right now doing all three,  
2 maybe Rodkin, which I'm not sure how well -- how else she  
3 does with clothing. Loree Rodkin.

4                   MR. IIDA: Don't guess.

5                   THE WITNESS: Don't guess? That does all  
6 three, don't guess? Okay.

7                   MR. IIDA: No. Don't guess in the answer.  
8 If you don't know, don't guess.

9                   THE WITNESS: But do I know people who do  
10 more than three items under one brand name, yeah.

11 BY MR. O'NEILL:

12           Q.    Ms. Marti, one of the topics you were designated  
13 to testify on, on behalf of your company is applicant's  
14 knowledge of House of Blues restaurants, venues, and  
15 merchandise.

16           A.    Yes.

17           Q.    Did you come prepared to testify about that?

18           A.    Yeah, I can testify on it.

19           Q.    Okay. How did you or your husband first become  
20 familiar with House of Blues?

21           A.    Probably driving by it on Sunset Boulevard.

22           Q.    Los Angeles?

23           A.    Uh-huh.

24           Q.    When was that, do you think?

25           A.    Oh, I can't recall.

1 Q. Do you go to California often?

2 A. Sometimes. I mean, three times a year.

3 Q. How long have you and your husband lived in  
4 Hawaii?

5 A. 14 years.

6 Q. When you go to California, what do you usually go  
7 there for?

8 A. Sometimes we go to see our friends, sometimes we  
9 go shopping because we own a store that sells clothing, so  
10 we'll go to market. Sometimes we go to visit our artists,  
11 certain artists that we deal with.

12 Q. You say you drove by the House of Blues?

13 A. Uh-huh.

14 Q. Have you been there, you personally?

15 A. Neither my husband nor myself.

16 Q. Never went inside?

17 A. Never went inside, huh-uh.

18 Q. Are you familiar with any of their merchandise or  
19 what they offer in the -- in the nightclubs?

20 A. I'm familiar that sometimes they have art -- they  
21 have shows, comedians, and as far as -- I mean, that's -- you  
22 know, food, kind of like Planet Hollywood for me. And that's  
23 it.

24 Q. Okay. You're familiar with the fact that they  
25 feature live performances by musicians?

1           A.    Yes, and comedians and others, and that it's a  
2 place to eat and to, you know, and to drink.  
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Q. Ms. Marti, is Exhibit 2 a copy of the  
interrogatory answers that you helped prepare in this matter?

A. Yes.

Q. And these are the company's answers which have  
been developed in part by you?

A. Yes.

Q. As far as you know, they're true and correct?

A. Yes.

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MR. O'NEILL: Counsel, if you could provide  
her with Exhibit 10, I think that's the last exhibit.

BY MR. O'NEILL:

Q. Ms. Marti, this is an excerpt from your trademark  
report. This one has In Blues We Trust on it; do you see  
that?

A. Yes.

REDACTED

1 I, COLLEEN NOAH-MARTI, hereby certify that I have read  
2 the foregoing typewritten pages 1 through 105, inclusive, and  
3 corrections, if any, were noted by me and the same is a true  
4 and correct transcript of my testimony.  
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10 COLLEEN NOAH-MARTI  
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15 Signed before me this day of  
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21 House of Blues Brands Corp. vs. Celebrities  
22 Publishing Corp., U.S. Patent and Trademark Office Before the  
23 Trademark Trial and Appeal Board, Civil No. 91165876,  
24 91165899, 91165901, taken on 11/06/06, by Jessica R. Perry,  
25 CSR.

1 STATE OF HAWAII )  
2 ) ss:  
3 CITY & COUNTY OF HONOLULU )  
4

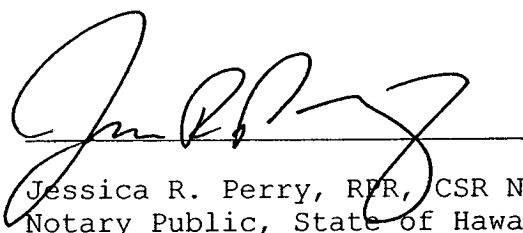
5 I, JESSICA R. PERRY, do hereby certify:

6 That on November 6, 2006, at 11:18 a.m.  
7 appeared before me COLLEEN NOAH-MARTI, the witness whose  
8 deposition is contained herein; that prior to being examined  
9 she was by me duly sworn;

10 That the deposition was taken down by me in  
11 machine shorthand and was thereafter reduced to typewritten  
12 form by computer-aided transcription; that the foregoing  
13 represents, to the best of my ability, a full, true and  
14 correct transcript of said deposition.

15 I further certify that I am not attorney for  
16 any of the parties hereto, nor in any way concerned with the  
17 cause.

18 DATED this 20th day of November, 2006,  
19 in Honolulu, Hawaii.  
20

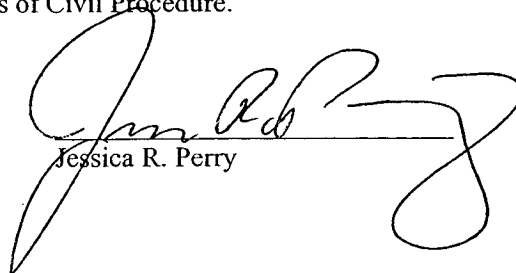
21   
22 \_\_\_\_\_  
23 Jessica R. Perry, RPR, CSR No. 404  
24 Notary Public, State of Hawaii  
25 My commission expires: 5/11/09

COLLEEN NOAH-MARTI, WITNESS

STATE OF HAWAII )

CITY & COUNTY OF HONOLULU )

I, Jessica R. Perry, a Certified Shorthand Reporter for the State of Hawaii, do certify that pursuant to notice there came before me at the Office of Alston Hunt Floyd & Ing, 1001 Bishop Street, 1800 American Savings Bank Tower, in the city of Honolulu, State of Hawaii, on November 6, 2006, at 11:18 a.m., COLLEEN NOAH-MARTI, a witness of lawful age, who was by me first duly sworn to testify to the whole truth of her knowledge, touching the matters in controversy herein; that she was examined and her examination was reduced to shorthand by me on the day, between the hours, at the place and in that behalf first aforesaid, and later transcribed into typewriting, that signature of the witness was not waived; and her said deposition is now herewith returned to and filed in this Court. Adverse parties appeared in person, and I am not disqualified, as specified in Rule 28 of the Federal rules of Civil Procedure.

  
Jessica R. Perry



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOUSE OF BLUES BRANDS CORP.

Opposer,

v.

CELEBRITES PUBLISHING CORP.,

Applicant.

§  
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Mark: IN ROCK WE TRUST

Consolidated Opposition Nos.  
91165876; 91165899; and 91165901

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OPPOSER'S SECOND AMENDED RULE 30(b)(6) NOTICE OF DEPOSITION

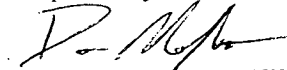
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PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Opposer House of Blues Brands Corp., by its undersigned counsel, will take the oral deposition of Applicant Celebrities Publishing Corp. on November 6, 2006, commencing at 11:00 a.m. (Hawaii time). We understand that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Colleen Noah-Marti, vice president, has been designated to testify on Applicant's behalf concerning the subjects set forth in Exhibit B.

The deposition will take place via video conference with the deponent to be located at the offices of Alston Hunt Floyd & Ing, 1001 Bishop Street, American Savings Bank Tower, Suite 1800, Honolulu, Hawaii 96813. The deposition may be videotaped and will be taken before and transcribed by a certified shorthand reporter who is authorized by law to administer oaths.

YOU WILL PLEASE TAKE FURTHER NOTICE that the oral examination will continue from day to day until completed and that this deposition is being taken for the purpose of discovery, for use at trial, and all other purposes as permitted under the rules of this Court and all applicable statutes and laws.

Respectfully Submitted,



Kirt S. O'Neill

Daniel Moffett

Marissa Lawson

AKIN GUMP STRAUSS HAUER & FELD, LLP

P.O. Box 12870

San Antonio, Texas 78212

Tel. 210.281.7106

Fax 210.224.2035

ATTORNEYS FOR OPPOSER,

HOUSE OF BLUES BRANDS CORP

Dated: \_\_\_\_\_

10/31/2006



CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing was sent via facsimile transmission to 808.523.8899 to:

Robert Carson Godbey  
Jess H. Griffiths  
Chad M. Iida  
GODBEY GRIFFITHS REISS CHONG  
Pauahi Tower, Suite 2300  
1001 Bishop Street  
Honolulu, Hawaii 96813

on this 31<sup>st</sup> day of October, 2006.

  
\_\_\_\_\_  
Daniel Moffett

EXHIBIT A  
DEFINITIONS

The following definitions shall have the following meanings, unless the context requires otherwise:

1. As used herein, the term "Applicant" or "you" shall mean or refer to Applicant Celebrities Publishing Corp., including its officers, directors, employees, agents, representatives, and any other person presently or formerly acting or authorized to act on its behalf.

2. As used herein, the term "Opposer" shall mean or refer to Opposer House of Blues Brands Corp., including its officers, directors, employees, agents, representatives, and any other person presently or formerly acting or authorized to act on its behalf.

3. As used herein, "Opposer's Mark" or "Opposer's Trademark" shall mean or refer to Opposer's trademark IN BLUES WE TRUST, which is represented by Opposer's Registration Nos. 2,050,935 and 1,981,453 and Opposer's Application Serial No. 78/584,785.

4. As used herein, "Applicant's Mark" or "Applicant's Trademark" shall mean or refer to Applicant's Application Serial No. 78/441,161 for the mark IN ROCK WE TRUST.

5. The terms "identification," "identify," or "identity" when used in reference to the following italicized terms are defined as follows:

- (a) *a natural person*—requires you to state (1) his or her full name, (2) last known residential and business addresses, (3) last known residential and business telephone numbers (including area codes), (4) present or last known position or title and business or employee affiliation, business address, and business telephone number (including area code), and (5) position, job title, and official duties at the time or times relevant to this matter.
- (b) *a corporation*—requires you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business and the addresses of all of its officers and directors;

- (c) a *business or venture*—requires you to state the full name or style under which the business is conducted, its business address or addresses, its telephone number or numbers (including area code), the types of businesses in which it is engaged, the geographical areas in which it conducts those businesses, the identity of the person or persons who own, operate, and/or control such business or businesses;
- (d) a *document*—requires you to provide the following information: (1) date, (2) author or originator, (3) recipient, (4) the individual and/or entity to whom it pertains, (5) the type of document (e.g., letter, memorandum, telegram, electronic correspondence, facsimile, etc., or some other means of identifying the same) and the number of pages, (6) title and subject matter, and (7) present location and the name and address of its present or last known custodian. If any of the above information is not available, state any other means of identifying such document.
- (e) a *communication*—requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was not written, to identify the person participating in the communication, and to state the date, manner, place, and substance of the communication.

6. When used herein, the term “document” is used in its broadest sense and includes, but is not limited to, the following items, whether printed, recorded, reproduced by mechanical or electronic means, or handwritten, and shall specifically include all drafts of documents and all non-identical copies of the documents:

Agreements, communications, including intercompany and intracompany communications, correspondence, telegrams, cables, telexes, telecopies, facsimiles, electronic communications (including, but not limited to, “e-mail”), memoranda, records, books, summaries of records, or papers, graphs, charts, maps, blueprints, diagrams, tables, indices, pictures, recordings, tapes, accounts, analytical records, memoranda of telephone calls, minutes or records of meetings or conferences, reports or summaries of interviews, reports or summaries of investigations, opinions or reports of consultants, appraisals, reports or summaries of negotiations, brochures, bulletins, pamphlets, circulars, advertising, literature, trade letters, press releases, contracts, notes, drafts, projects, working papers, securities ledgers, checks (front and back), check stubs, receipts and other documents, papers or writings of whatever description, including, but not limited to, any information contained in any computer or information retrieval device.

7. "File" means any collection or group of documents maintained, held, stored, or used together, including, without limitations, all collections or documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.

8. The terms "relating" or "concerning" shall mean referring to, having any relationship to, pertaining to, mentioning, evidencing, constituting evidence of, in whole or in part, or concerning, directly or indirectly, the subject matter identified in the request for production.

9. Wherever the word "including" appears, the meaning intended is always "including, but not limited to."

10. As used herein, the words "communication" or "communications" shall include statements, discussions, conversations, speeches, meetings, remarks, questions, answers, interviews, consultations, dialogues, panel discussions, symposia, agreements, and other understandings, whether written or oral, whether face to face or transmitted by media such as intercoms, telephones, computers, or radio, between or among two or more persons.

EXHIBIT B  
SUBJECT MATTER

1. The selection of Applicant's Mark.
2. The use and/or non-use of Applicant's Mark.
3. Applicant's trademark searches pertaining to Applicant's Mark conducted before and after Applicant filed an application to register Applicant's Mark.
4. Applicant's investment in Applicant's Mark, including the investment referred to in the February 17, 2005 letter from Robert Carson Godbey to Kirt S. O'Neill.
5. Applicant's knowledge of House of Blues restaurants, venues, and merchandise.
6. Applicant's knowledge or investigation of Opposer's Mark and/or Opposer.
7. Applicant's intended use of Applicant's Mark, including the goods and services it will be used in connection with, the channels of trade it will be used in, and Applicant's target customers.
8. Applicant's knowledge of third-party use of marks similar to Applicant's Mark or Opposer's Mark.
9. The likelihood of confusion, or lack thereof, between Applicant's Mark and Opposer's Mark.
10. The intended meaning or commercial impression conveyed by Applicant's Mark.
11. The creation and adoption of Applicant's Mark by Applicant.

AKIN GUMP  
STRAUSS HAUER & FELD LLP

Attorneys at Law

FAX TRANSMISSION

October 31, 2006

To	Company	Fax	Phone
Chad M. Iida	Godbey, Griffiths, Reiss, Chong LLP	808.523.8899	808.523.8894
Kim	Certified Legal Video Services	808.550.8860	808.550.2587

From: Daniel Moffett

Total Pages: 8

Direct Dial: 210.281.7155

Re: *House of Blues Brands Corp. v. Celebrities Publishing Corp.*

Message:

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☐ Return fax via Interoffice Mail

Sender's email: dmoffett@akingump.com

Secretary: Kyra Lloyd

☐ Hold fax for pickup

Sender's fax: 210.224.2035

Ext: 47078

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AKIN GUMP  
STRAUSS HAUER & FELD LLP

Attorneys at Law

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Kim	Certified Legal Video Services	808.550.8860	808.550.2587

From: Daniel Moffett  
Total Pages: 8  
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**AKIN GUMP  
STRAUSS HAUER & FELD LLP**

Attorneys at Law

**FAX TRANSMISSION**

October 31, 2006

To	Company	Fax	Phone
Chad M. Iida	Godbey, Griffiths, Reiss, Chong LLP	808.523.8899	808.523.8894
Kim	Certified Legal Video Services	808.550.8860	808.550.2587

**From:** Daniel Moffett**Total Pages:** 8**Direct Dial:** 210.281.7155**Re:** *House of Blues Brands Corp. v. Celebrities Publishing Corp.***Message:**





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/441,161  
Filed June 25, 2004  
Mark IN ROCK WE TRUST  
Published on June 7, 2005

MAR 28 2006

House of Blues Brands Corp.,

Opposer,

v.

Celebrities Publishing Corporation,

Applicant.

Opposition No. 91,165,901

APPLICANT'S RESPONSE TO  
OPPOSER'S FIRST SET OF  
INTERROGATORIES; CERTIFICATE  
OF SERVICE

**APPLICANT'S RESPONSE TO OPPOSER'S  
FIRST SET OF INTERROGATORIES**

Applicant Celebrities Publishing Corporation ("Celebrities"), a Hawaii corporation having a principal place of business at 328 Front Street, Lahaina, Hawaii, by its undersigned attorneys, pursuant to the Trademark Rules of Practice and the Federal Rules of Civil Procedure, hereby responds to Opposer House of Blues Brands Corp.'s ("HOB"'s) First Set of Interrogatories as follows:

### INTRODUCTORY STATEMENT

Celebrities will respond to the Interrogatories on the basis of the best information available to it at the time of gathering responsive information, within the limits of, and subject to, the objections described below. The fact that Celebrities produces responsive information does not constitute an admission or acknowledgment that the Interrogatory is proper, that the requested information exists in Celebrities' custody, possession or control, that the information it seeks is within the proper bounds of discovery, is relevant or material or that requests for similar information will be treated in similar fashion. In addition, any and all responses provided by Celebrities in response to the Interrogatories are for the purposes of this action only and are not responses for any other purpose, nor may they be used against Celebrities in any other proceeding.

### GENERAL OBJECTIONS

Celebrities makes its objections to specific Interrogatories by, among other things, incorporating by reference some or all of the following objections, as appropriate.

1. Celebrities objects to the Interrogatories to the extent they seek information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable evidentiary privilege.
2. Celebrities objects to the Interrogatories to the extent they call for information beyond the scope of Fed. R. Civ. P. 26(b) and 33(c).
3. Celebrities objects to the "continuous" nature of the Interrogatories to the extent they exceed the requirements of Fed. R. Civ. P. 26(e).
4. Celebrities objects to the Interrogatories to the extent they seek information already within Opposer's control or are obtainable from some other source that is more convenient, less

burdensome or less expensive.

5. Celebrities objects to any instructions and/or demands contained within the Interrogatories to the extent they purport to impose obligations on Celebrities beyond those imposed by the Federal Rules of Civil Procedure.

6. Celebrities objects to the Interrogatories to the extent they seek confidential or proprietary information. Celebrities will not provide such confidential or proprietary information until an appropriate Stipulated Protective Order has been signed by the parties to this action and made an order of this proceeding.

7. Celebrities objects to the Interrogatories to the extent they subject Celebrities to undue burden, unnecessary expense, harassment or annoyance. Unless otherwise stated, Celebrities will not provide any information which would subject it to undue burden, unnecessary expense, harassment or annoyance.

8. Celebrities objects to the Interrogatories to the extent they do not specify the information sought with reasonable particularity and, as such, are improper.

9. Celebrities objects to the Interrogatories to the extent that they are overly broad, vague or ambiguous.

10. Celebrities objects to the Interrogatories to the extent they seek information of which Celebrities does not have firsthand knowledge.

11. Celebrities objects to the Requests to the extent that they or some of them are more properly interposed as document requests under Rule 34 of the Federal Rules of Civil Procedure.

12. Celebrities objects to the Interrogatories to the extent they seek or call for the disclosure of information which will only become known during the course of discovery.

13. Celebrities objects to each and every Interrogatory to the extent it purports to impose a burden of locating information that is not in its possession, custody or control, or that cannot be found in the course of a reasonable search.

14. Celebrities objects to each and every Interrogatory to the extent that the Interrogatories exceed the seventy-five (75) allowable interrogatories including discrete subparts permitted pursuant to the Trademark Rules of Practice.

15. Celebrities will make reasonable efforts to respond to each Interrogatory, to the extent that no objection is made, as Celebrities understands and interprets the Interrogatory. If Opposer subsequently asserts any interpretation of any Interrogatory that differs from Celebrities' interpretation, Celebrities reserves the right to supplement its objections and responses.

#### SUPPLEMENTATION

Celebrities expressly reserves the right to modify and supplement its responses and objections should it discover additional information responsive to these Interrogatories prior to the final resolution of this proceeding.

#### NON-WAIVER

Should Celebrities provide information in response to the Interrogatories, which information is or may be the subject of any of the foregoing objections, such a provision is not intended to be nor shall it be deemed a waiver of any and all objections with respect to such information or withheld information.

**RESPONSES AND OBJECTIONS  
TO SPECIFIC INTERROGATORIES**

Subject to and without waiver of the foregoing general objections, which will not be restated, but which apply to each Response as if set forth fully below, Celebrities makes the following specific responses and objections:

**INTERROGATORY NO. 1:** Identify all persons who you believe have knowledge of facts relevant to this Opposition, and describe the issues upon which you believe they have knowledge.

**Celebrities' Response To Interrogatory No. 1:**

Celebrities incorporates by reference its General Objections. Celebrities further objects to this Interrogatory on the grounds that is overly broad in that it seeks to require Celebrities to identify "all persons" who are believed to have knowledge of facts relevant to this Opposition, as it would be impossible to determine "all persons" outside of Celebrities who have information relevant to this Opposition. Subject to, and without waiving its objections, Celebrities responds:

Colleen Noah-Marti & Gerard Marti – Have knowledge concerning the filing and the past, present and future use of the trademark application in question.

**INTERROGATORY NO. 2:** Identify each and every person whom Applicant intends to call as a witness in the trial or discovery phase of this Opposition, including, but not limited to, expert witnesses, and describe the nature of each witness's expected testimony, including the identification of all documents about which each witness is expected to testify.

**Celebrities' Response To Interrogatory No. 2:**

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks trial strategy or information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable evidentiary privilege. Moreover, Celebrities objects to this Interrogatory to the extent that it seeks information not yet discovered by Celebrities, or seeks or calls for the

disclosure of information which will only become known during the course of discovery.

Subject to and without waiving its objections, Celebrities responds: Colleen Noah-Marti, Gerard Marti, and representatives, agents and affiliates of Opposer. Celebrities reserves the right to supplement this response as it obtains more information through discovery and/or finalizes its trial strategy.

**INTERROGATORY NO. 3:** Describe the nature of Applicant's actual and anticipated business, including business conducted through licensees.

Celebrities' Response To Interrogatory No. 3:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: Celebrities publishes fine art for wholesale and retail sales, creates events for the retail and wholesale of art collections, and licenses artwork to others to create products that incorporate the art. Celebrities has worked with many prominent artists throughout the United States, which includes celebrity artists such as Mick Fleetwood and Paul Stanley. Target licensed products include clothing, jewelry and bags.

**INTERROGATORY NO. 4:** Identify and describe in detail each product or service on or in connection with which Applicant has at any time used Applicant's Mark or intends to use Applicant's Mark, and for each such product and service separately:

- (a) state the date when and geographic location where Applicant's Mark was first used or, if such use is anticipated, the date when and geographic location where Applicant anticipates commencement of such use;
- (b) describe the circumstances of such first use or anticipated first use, including the manner of use, the details of any sales involved, the type and/or class of customers, the trade, sale and/or distribution channels, number of units sold, and price charged; and
- (c) state whether the use, including manner of use, type and class of customer, trade, sale and/or distribution channels, and price charged has continued to the present date, and if not the date such use was discontinued, has changed in any respect, and describe all such changes, and/or was discontinued for any period of time, and if so, the dates such use was

discontinued.

Celebrities' Response To Interrogatory No. 4:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: This opposition concerns an intent-to-use application; as such, Celebrities has not yet commenced use of the IN ROCK WE TRUST mark in commerce, and is still in the process of developing its mark for such use. However, Celebrities intends to use the mark for clothing, jewelry, key chains and bags, and anticipates that its first sale of such products will be in Hawaii and/or in other outlets that are developed in the future, when this opposition is concluded.

**INTERROGATORY NO. 5:** For each product or service identified in response to Interrogatory No. 4, identify the individuals who are most familiar with Applicant's production, packaging, marketing, selling and merchandising of products under Applicant's Mark, advertising and promotion of the products identified by the Applicant's Mark, enforcement and maintenance of trademark rights in Applicant's Mark, sale of the products identified by Applicant's Mark, and the trade channels through which the products bearing Applicant's Mark are and have been sold.

Celebrities' Response To Interrogatory No. 5:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: Colleen Noah-Marti and Gerard Marti.

**INTERROGATORY NO. 6:** Indicate each state, territory or possession of the United States in which Applicant has ever sold, offered for sale, advertised or distributed any of Applicant's Goods under or in connection with Applicant's Mark.

Celebrities' Response To Interrogatory No. 6:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as



business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: As noted in Celebrities' Response to Interrogatory No. 4 above, Celebrities has not yet commenced use of the IN ROCK WE TRUST mark in commerce and accordingly, does not have any sales, advertising or production information.

**INTERROGATORY NO. 7:** Identify and describe in detail all types of media, including publications, billboards, signs, advertisements, internet, radio and television, where Applicant has advertised or offered for sale, or intends to advertise or offer for sale, in the United States each of Applicant's Goods under Applicant's Mark, and state the amounts, by type of media and by date, which have been or will be expended by Applicant in promoting, advertising or offering each of Applicant's Goods under Applicant's Mark for each calendar year to date.

Celebrities' Response To Interrogatory No. 7:

See Celebrities' Response to Interrogatory No. 6.

**INTERROGATORY NO. 8:** For each of Applicant's Goods, state, by instances and dollar amount, the amount of sales in the United States for each calendar year to date.

Celebrities' Response To Interrogatory No. 8:

See Celebrities' Response to Interrogatory No. 6.

**INTERROGATORY NO. 9:** Describe the type of outlets (i.e., licenses, representatives, contractor, etc.) through which Applicant's Goods have been or will be sold, offered for sale, rendered and/or distributed.

Celebrities' Response To Interrogatory No. 9:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks confidential information such as business plans, financial data, and customer lists. Subject to and without waiving its objections, Celebrities responds: Celebrities anticipates that its IN ROCK WE TRUST products will be sold and/or distributed through retailers in Hawaii and throughout the United States.

**INTERROGATORY NO. 10:** Identify any third parties who have used, are using or intend to use any mark or name comprising the name "IN ROCK WE TRUST" either alone or with other

wording, letters, or designs, on or in connection with products relating to ground and whole bean coffee.

Celebrities' Response To Interrogatory No. 10:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory on the grounds that it is irrelevant and immaterial to this Opposition which concerns Applicant's use of the IN ROCK WE TRUST mark for "clothing" rather than third party uses of the IN ROCK WE TRUST mark for "ground and whole bean coffee", and that the burden of deriving or ascertaining the response is substantially the same for Opposer as it is for Celebrities. Subject to and without waiving its objections, Celebrities responds: Celebrities is unaware of any third party uses of the IN ROCK WE TRUST mark for clothing or ground and whole bean coffee.

**INTERROGATORY NO. 11:** Identify any instances of confusion or false association between Applicant's use of Applicant's mark and Opposer or Opposer's Mark. For illustrative purposes only and without limiting the foregoing, such instances would include misdirected mail, telephone calls, inquiries, orders, complaints, oppositions or returns of goods.

Celebrities' Response To Interrogatory No. 11:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: Celebrities is not aware of any instances of confusion or false association.

**INTERROGATORY NO. 12:** Identify all instances in which Applicant has objected to the use, registration, or application by any third party of any mark or name containing "IN ROCK WE TRUST" or any similar mark.

Celebrities' Response To Interrogatory No. 12:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this request on the grounds that it is irrelevant and immaterial to a resolution of

this proceeding. Subject to and without waiving its objections, Celebrities responds:

Celebrities is not aware of any third party uses of the IN ROCK WE TRUST mark.

**INTERROGATORY NO. 13:** Identify any instances in which Applicant's use, registration, or application to register a mark containing Applicant's mark have been the subject of an objection of any kind by a third party.

Celebrities' Response To Interrogatory No. 13:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving the foregoing objections, Celebrities responds: None. In fact, the Examining Attorney, a neutral third party to this proceeding, did not believe there was any likelihood of confusion between Applicant's IN ROCK WE TRUST mark, and Opposer's IN BLUES WE TRUST marks, or any other trademarks on file with the USPTO, and passed Celebrities' IN ROCK WE TRUST mark for publication.

**INTERROGATORY NO. 14:** Describe any agreements or understandings constituting or relating to the settlement or resolution, or attempted settlement or resolution, of any controversy concerning Applicant's Mark that Applicant has ever entered into, intended or intends to enter into and identify all the parties to the understanding or agreement.

Celebrities' Response To Interrogatory No. 14:

See Celebrities' Response to Interrogatory No. 13.

**INTERROGATORY NO. 15:** With the exception of this proceeding, identify each civil action or administrative proceeding in the United States or elsewhere in which Applicant is now or has ever been a party and which has involved Applicant's Mark, including, but not limited to, proceedings where the issues of the ownership of and/or the right to the use of any such mark were raised.

Celebrities' Response To Interrogatory No. 15:

See Celebrities' Response to Interrogatory No. 13.

**INTERROGATORY NO. 16:** Describe in detail Applicant's selection and adoption of Applicant's Mark including, without limitation, the date of adoption, the reasons for selecting and adopting Applicant's Mark, all details as to the origin of Applicant's Mark, and the meaning or impression intended to be conveyed by Applicant's Mark.

**Celebrities' Response To Interrogatory No. 16:**

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: The phrase IN ROCK WE TRUST was derived from the common phrase "IN GOD WE TRUST" that has been in use in the English vocabulary since at least the American Civil War and can be found on most if not all United States currency. IN ROCK WE TRUST was meant to be a play-on-words of IN GOD WE TRUST.

**INTERROGATORY NO. 17:** Provide the date and describe the circumstances when Applicant first became aware of Opposer's Mark.

**Celebrities' Response To Interrogatory No. 17:**

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks the disclosure of information that is protected from discovery by the attorney work product doctrine and/or the attorney-client privilege. Subject to and without waiving its objections, Celebrities responds: Celebrities became aware of Opposer's IN BLUES WE TRUST mark when it had a trademark search conducted on its IN ROCK WE TRUST mark in June 2004. The search was a broad search conducted by Thomson & Thomson which revealed that there were many other IN \_\_\_\_ WE TRUST marks, but no mark for IN ROCK WE TRUST. The Thomson & Thomson search report has been produced in response to Opposer's First Request for Production of Documents and Things.

**INTERROGATORY NO. 18:** Describe in detail the procedures employed and the results obtained from each trademark search or searches prior to or subsequent to Applicant's adoption

of Applicant's Mark, including the persons conducting the search.

Celebrities' Response To Interrogatory No. 18:

See Celebrities' Response to Interrogatory No. 17.

**INTERROGATORY NO. 19:** Identify all persons having any knowledge or responsibility, directly or indirectly, relating to any applications, assignments, or other documents filed with the United States Patent and Trademark Office, or any state agency or office, to register Applicant's Mark.

Celebrities' Response To Interrogatory No. 19:

See Celebrities' Response to Interrogatory No. 1.

**INTERROGATORY NO. 20:** Explain how Applicant's Mark is used and promoted, or intended to be used and promoted, to create a public perception of such Mark as an indication of source.

Celebrities' Response To Interrogatory No. 20:

See Celebrities' Response to Interrogatory No. 4.

**INTERROGATORY NO. 21:** Identify all periods of non-use of Applicant's Mark on Applicant's Goods in the United States and set forth in detail the reason for such non-use and the reasons for resumption of use, if any.

Celebrities' Response To Interrogatory No. 21:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: Celebrities has constructively used its IN ROCK WE TRUST mark continuously since the filing date of its intent-to-use application (U.S. Serial No. 78/441,161) up to the present.

**INTERROGATORY NO. 22:** Describe each alteration which has been made, or proposed, in the design, wording, presentation or use of Applicant's Mark for any reason, including as a result of the findings of any search or investigation, give the circumstances surrounding each such alteration, or proposed alteration.

Celebrities' Response To Interrogatory No. 22:

See Celebrities' Response to Interrogatory No. 4.

**INTERROGATORY NO. 23:** Identify all information, to the extent possible, regarding any and all documents responsive to the foregoing Interrogatories which are lost, destroyed or are otherwise no longer in the custody or control of Applicant.

Celebrities' Response To Interrogatory No. 23:

Celebrities incorporates its General Objections as if fully set forth herein. Subject to and without waiving its objections, Celebrities responds: None.

**INTERROGATORY NO. 24:** For each and every Interrogatory, identify the individual or individuals answering the Interrogatory, and each person who provided any information including opinions, advice, reports, studies, or facts on which your answer to any of the foregoing Interrogatories was based, specifying each Interrogatory to which he or she contributed information.

Celebrities' Response To Interrogatory No. 24:

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks the disclosure of information that is protected from discovery by the attorney work product doctrine and/or the attorney-client privilege. Celebrities also objects to this Interrogatory on the grounds that the Interrogatory is overly broad and that the burden or expense of responding outweighs the Interrogatory's likely benefit, taking into account the needs of the case, the amount in controversy, the importance of the issues and the Interrogatory's importance in resolving the issues. Celebrities further objects to this Interrogatory on the grounds that this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Celebrities responds: Colleen Noah-Marti.

**INTERROGATORY NO. 25:** With respect to any document or thing called for in Opposer's requests to produce which is withheld because it is asserted to contain information relating to matters claimed by Applicant to be privileged or exempt from discovery, state the nature of the privilege (including work product) or other exemption from discovery which is being claimed and the facts which support such claim of privilege or exemption and provide the following additional information:

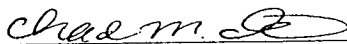
- i. the date, identity, and general subject matter of each document;
- ii. the identity of each person (other than stenographic or clerical assistants) participating in the preparation of the document;
- iii. the identity of each person to whom the contents of the document were communicated by copy, distribution, reading or substantial summarization;
- iv. a description of any document or other material transmitted with or attached to the document; and
- v. whether any business or nonlegal matter is contained or discussed in the document.

**Celebrities' Response To Interrogatory No. 25:**

Celebrities incorporates its General Objections as if fully set forth herein. Celebrities further objects to this Interrogatory to the extent that it seeks the disclosure of information that is protected from discovery by the attorney work product doctrine and/or the attorney-client privilege. Celebrities also objects to this Interrogatory on the grounds that the Interrogatory is overly broad and that the burden or expense of responding outweighs the Interrogatory's likely benefit, taking into account the needs of the case, the amount in controversy, the importance of the issues and the Interrogatory's importance in resolving the issues. Celebrities further objects to this Interrogatory on the grounds that this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Celebrities responds: There are various letters and other communications between representatives of Applicant (Gerard Marti and Colleen Noah-Marti) and Applicant's attorneys which are protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

All objections stated above are entered on behalf of Celebrities Publishing Corporation by:

GODBEY GRIFFITHS REISS CHONG  
A Limited Liability Law Partnership  
Attorneys for Applicant

By:   
Robert Carson Godbey  
Jess H. Griffiths  
Chad M. Iida  
Pauahi Tower, Suite 2300  
1001 Bishop Street  
Honolulu, HI 96813  
Tel. (808) 523-8894

DATED: Honolulu, Hawaii, March 24, 2006.



VERIFICATION

I, COLLEEN NOAH, VICE PRESIDENT  
(Print Name) (Title)

am authorized to make this verification on behalf of Applicant, and hereby verify that I have read the foregoing Applicant's Response to Opposer's First Set of Interrogatories and that they are true to the best of my knowledge, information and belief.

DATED: 3/23/06

Colleen Noah  
(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

House of Blues Brands Corp.,

Opposer,

v.

Celebrities Publishing Corporation,

Applicant.

Opposition No. 91,165,901

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES, and this CERTIFICATE OF SERVICE was duly served upon ) Opposer by first class mail, postage prepaid, to its last known address and on the date set out below:

Kirt S. O'Neill  
Marissa Lawson  
Akin Gump Strauss Hauer & Feld LLP  
P.O. Box 12870  
San Antonio, Texas 78212

Attorneys for Opposer

DATED: Honolulu, Hawaii, March 24, 2006.

By:

Chad M. Iida  
Chad M. Iida  
Attorney for Applicant





## Artwork by Celebrities

Andy Warhol	Miles Davis
David Bowie	Paul McCartney
Gerard Marti	Paul Stanley
Grace Slick	Richard Chamberlain
Jane Seymour	Ringo Starr
Jerry Garcia	Ron Campbell
Joe Petruccio	Ronnie Wood
John Lennon	Sebastian Kruger

Michael Madson	Todd Goldman
Mick Fleetwood	Tony Bennett

Celebrity Artists	Master Artist	Animation Art	Memorabilia	Photography	Film	Friends
Jewels/Clothing	What's New	Internet Specials	Press Release	Price Alert	Sold Out Alert	Do You Know

1.800.578.6991 Wailea, HI  
1.800.428.3338 Lahaina, HI

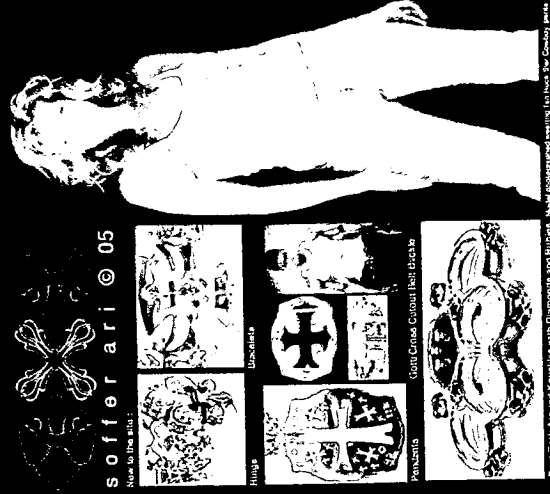
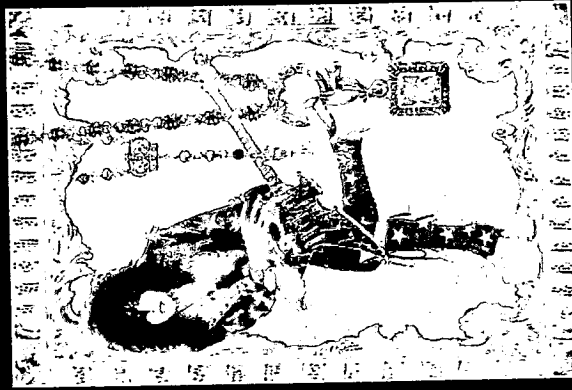


Célébrités Galleries  
Celebrities@maui.net





## Jewels By.....



Browse through our jewelry gallery and find everything from rock star and movie star glam to the fun and whimsical.

Deposition of Colleen Noah-Marti  
Deposition Exhibit 4

View the collections from the designers like S. A. Leather by Ari Soffer, Cella, Chevron Royale, Judith Ripka, King Baby, Lana, Loree Rodkin, Michelle Roy, Pianegonda, Rosalina, Royal Order and Tarina Tarantino who create the jewelry adorned on celebrities and other fashion trendsetters.

ARI SOFFER	LOREE RODKIN
CELLA	PIANEGONDA
JUDITH RIPKA	ROSALINA
KING BABY	ROYAL ORDER
LANA	TARINA TARANTINO

## Clothing By .....



*Gina Alexander*

NEW YORK COLLECTION

GINA ALEXANDER



Gina Alexander



Available at Célébrités. Call for information.

Celebrity Artists	Master Artist	Animation Art	Memorabilia	Photography	Film	Friends
Jewels/Clothing	What's New	Internet Specials	Press Release	Price Alert	Sold Out Alert	Do You Know

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1.800.428.3338 Lahaina, HI



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Celebrities@maui.net





## Music Memorabilia

AC/DC

Aerosmith

B.B. King

Beach Boys

Beatles

Black Sabbath

Bob Dylan

Bob Marley

Bruce Springsteen

Carlos Santana

Crosby, Stills, Nash & Young

Dave Matthews Band

Doors

Eagles

Led Zeppelin

Madonna

Metallica

Miles Davis

Motley Crue

Neil Young

Pearl Jam

Pink Floyd

Prince

Queen

Rolling Stones

Rush

Elvis  
Eric Clapton  
Fleetwood Mac  
Frank Sinatra  
Frank Zappa  
Grateful Dead  
Green Day  
Guns n' Roses  
Janis Joplin  
Jeff Beck  
Jerry Garcia  
Jimi Hendrix  
Journey  
Kiss  
Stevie Nicks  
Slash  
Stevie Ray Vaughan  
The Band  
The Cars  
Tom Petty  
Traveling Wilburys  
U2  
Van Halen  
Who  
Willie Nelson  
ZZ Top

Miscellaneous Hand  
Signed Photos  
Miscellaneous Sports  
Movie  
Soundtracks  
Celebrity  
Legends

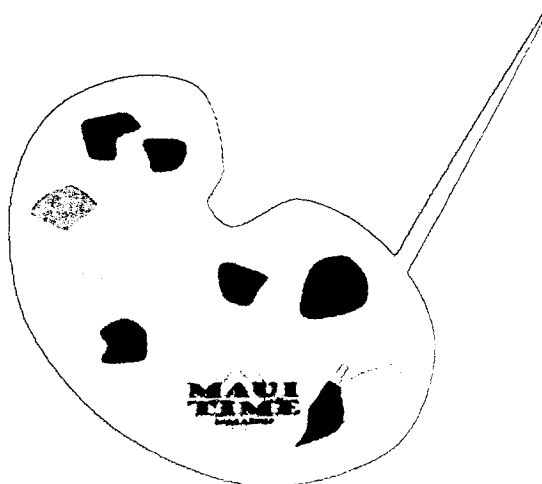
Celebrity Artists	Master Artist	Animation Art	Memorabilia	Photography	Film	Friends
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Celebrities@maui.net





## Art

### Gallery Profile: New York - Paris Gallery

By Mark D'Antony & Arid Chappell

Gerard Marti is the owner of a gallery on the Westside specializing in art offerings from a specific group: musicians. I find it interesting how creative expression has so many different outlets, and so, with my interest sparked, I put some questions before Gerard to find out a little more...

#### How did the gallery get started?

I moved from Paris to Maui five years ago, and found out very quickly that Maui was the center of the art market of the Pacific. Being a former record producer and involved in the music business, I decided to start a Rock and Roll art gallery.

My first artist was Ron Wood. He did so well, and had so much interest, I decided to expand. I then started to sell Lennon, Garcia and Miles Davis artwork. Within the last 5 years, the gallery has expanded to the point of carrying 99% celebrity art. Included are artists Anthony Quinn, Tony Bennett and Sylvester Stallone.

#### Why a Rock and Roll gallery?

Because I can't sell something I don't like. When I hang a piece in this gallery, it is something I would also hang in my home.

#### What musicians are spotlighted?

John Lennon, Miles Davis, Ronnie Wood, and Jerry Garcia.



## Miles Davis' "Jazz"

**Can you give us a little art background on those musicians?**

John Lennon attended Liverpool Art Institute from 1957-1960. He illustrated 3 books: "John Lennon: In His Own Write", "A Spaniard in the Works" and "Skywriting By Word Of Mouth". In the early 60's, his musical career took him away from the art world, but in '68 he returned to visual art. He sketched mostly in pen and ink, using his sketchbook as one would write in a diary.

Miles Davis is surely one of the most influential Jazz musicians of the 20th Century. In 1950, with the recording of *The Birth of Cool*, he gave a new direction to the music of that generation. In '69 another generation became aware of his incredible talent with the release of *Bitches Brew*. In the '80's, Miles found a new medium to express his boundless creativity. The art of Miles Davis, which began with primitive figures, also focused on experiments in color and composition, and evolved into abstract acrylic paintings on canvas. In contrast to his formal musical education, Miles as a visual artist is mostly self taught. He would spend several hours each day, sketching and painting. According to Miles: "It's like therapy for me, and keeps my mind occupied with something positive when I am not playing music."



## Jerry Garcia's "Garcia/Grisman"

Ron Wood was born in Middlesex, England into an artistic family. Before music, he received formal training at Eling University in London. through the years, the artist and the musician have been inseparable. Ronnie continues his passion for painting and drawing, his subjects range from band members and musicians he admires, knew, and sometimes played with. Ronnie has commercialized his art since the early 80's, and is very passionate about the process of printmaking. When he is on tour, he always travels with a sketchbook, making quick sketches for future paintings and drawings.



As a young man, Jerry Garcia found his interests divided between visual and musical expression. He attended the San Francisco Art Institute. Music came to claim his full attention but he never stopped sketching. His work with the visual arts has always been for personal amusement, and the notion of selling his paintings came about in a purely accidental way. As such, he remarked "I hope that no one takes them too seriously."

Do any of the artists get actively involved in the gallery/business side of their art as well?

## John Lennon's "Bag One"



For Lennon, Miles, & Garcia, we are dealing with the estate. Ronnie Wood is actively involved in the printmaking and marketing of his work. Anthony Quinn, Sylvester Stallone, Tony Bennett, and David Bowie are also very concerned about the perception of their artwork by the public.

**What are the plans for the future of the gallery?**

Expansion. We are opening a new gallery on the first of January at 764 Front St. It will be called "Celebrite" and will be featuring mostly the artwork of famous entertainers.

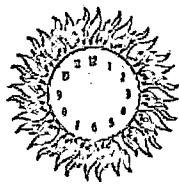
**Any plans with Ronnie Wood when the Stones play Oahu?**

I will be attending the show on the 23rd and 24th, and the Honolulu concert is the last show on the North American tour. The Stones will be taking a five day vacation in Hawaii before they start their Canadian tour, and I am presently working very hard with Ronnie Wood's manager and agent to have him come and make an appearance at our new location while he is here on Maui.



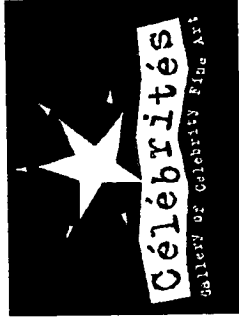
**Ron Wood's "Mick with Guitar"**

Poetree  
Fiction



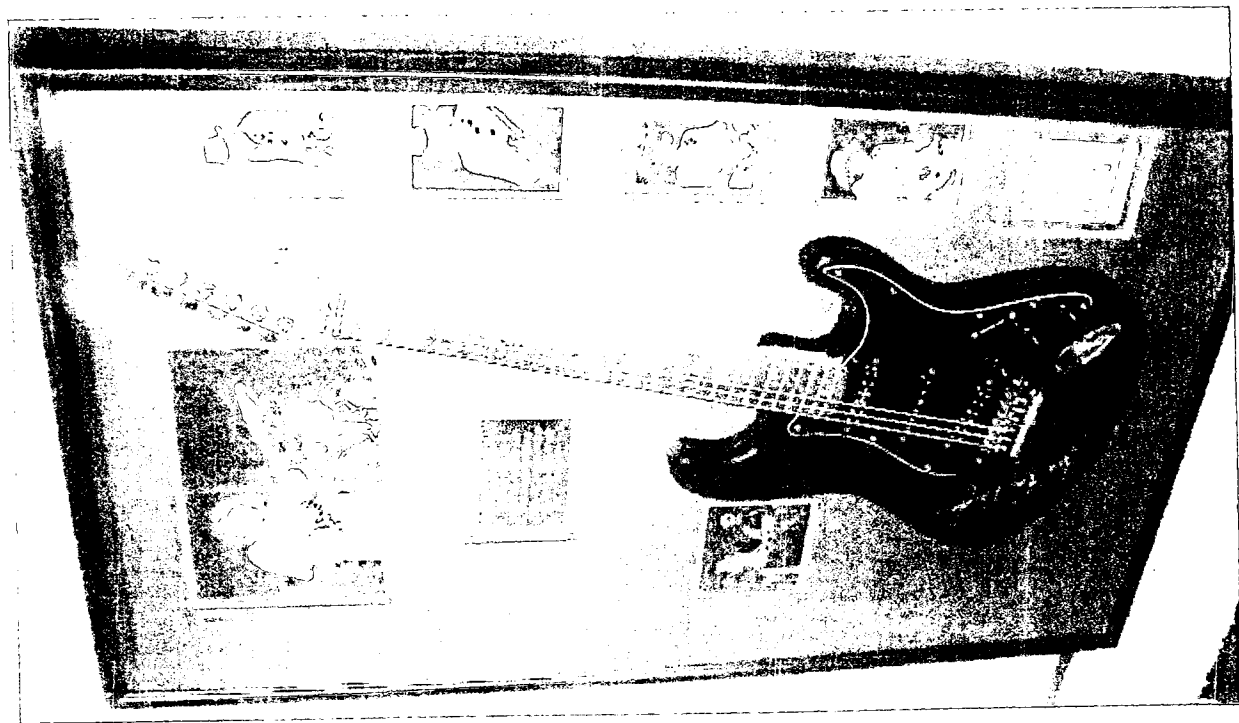
Copyright © 1997 Maui Time Magazine  
Web Site created by  
**PARADOX INC.**



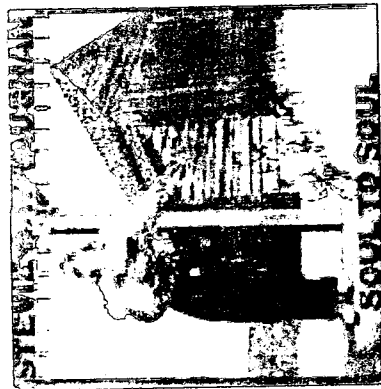


## Stevie Ray Vaughan Memorabilia

Here is the showcase of Stevie Ray Vaughan memorabilia. Our online galleries represent our real world galleries, located on the island of Maui Hawaii.



Guitar signed by Stevie Ray Vaughan



Soul To Soul



Texas Flood



Couldn't Stand The Weather



In Step



Live Alive



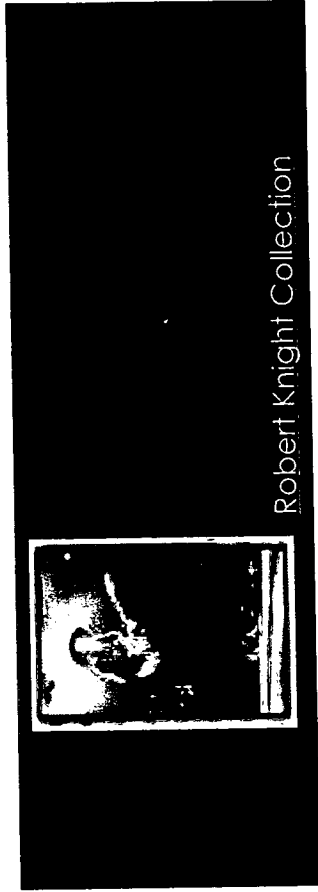
Hand Signed Photo

## Fine Art By Ronnie Wood



Stevie Ray Vaughan

## Limited Edition Fine Art Photography



Celebrity Artists	Master Artist	Animation Art	Memorabilia	Photography	Film	Friends
Jewels/Clothing	What's New	Internet Specials	Press Release	Price Alert	Sold Out Alert	Do You Know?

Célébrités Galleries  
[celebrities@maui.net](mailto:celebrities@maui.net)



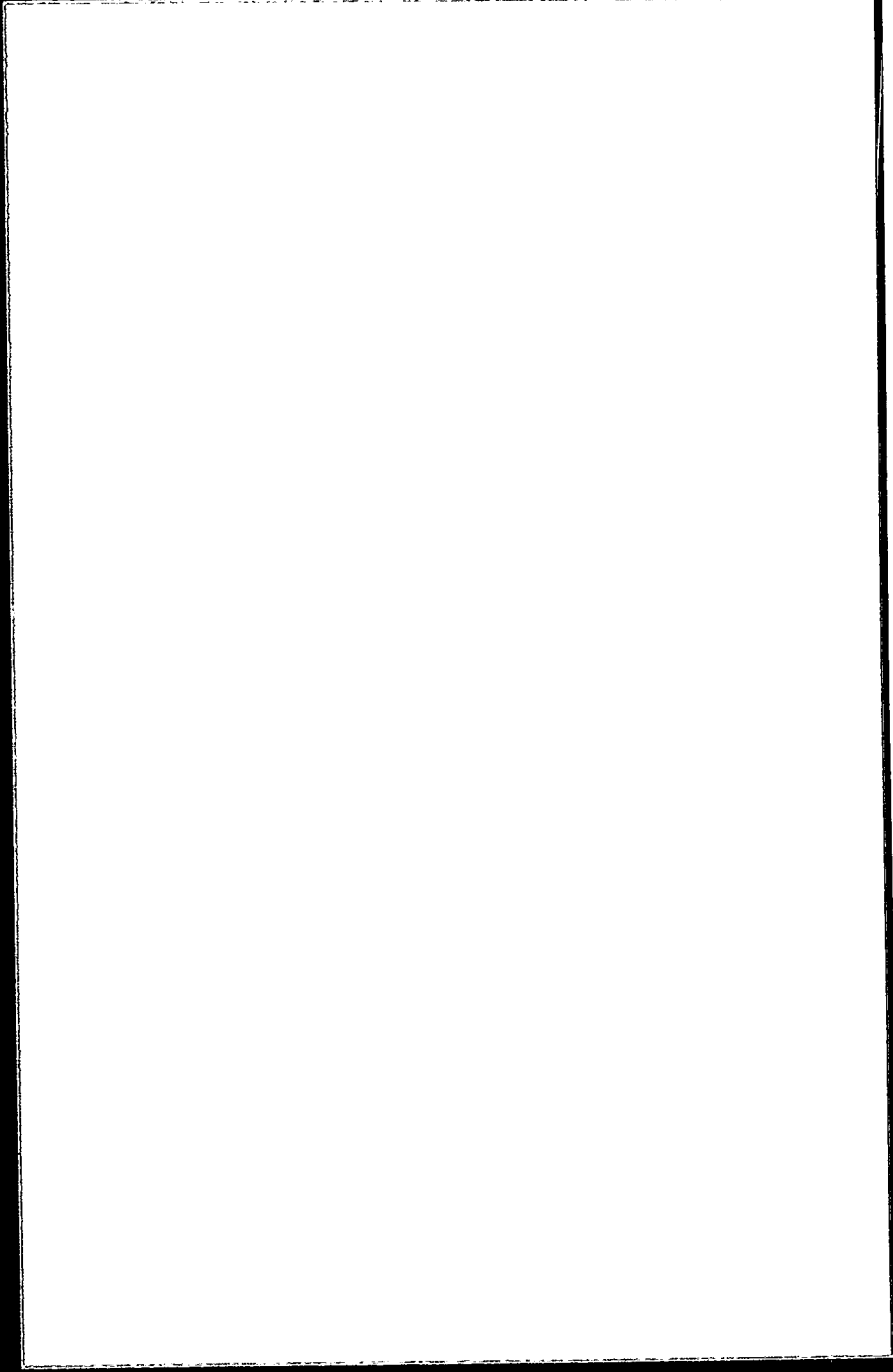
1.800.578.6991 Wailea, HI  
1.800.428.3338 Lahaina, HI

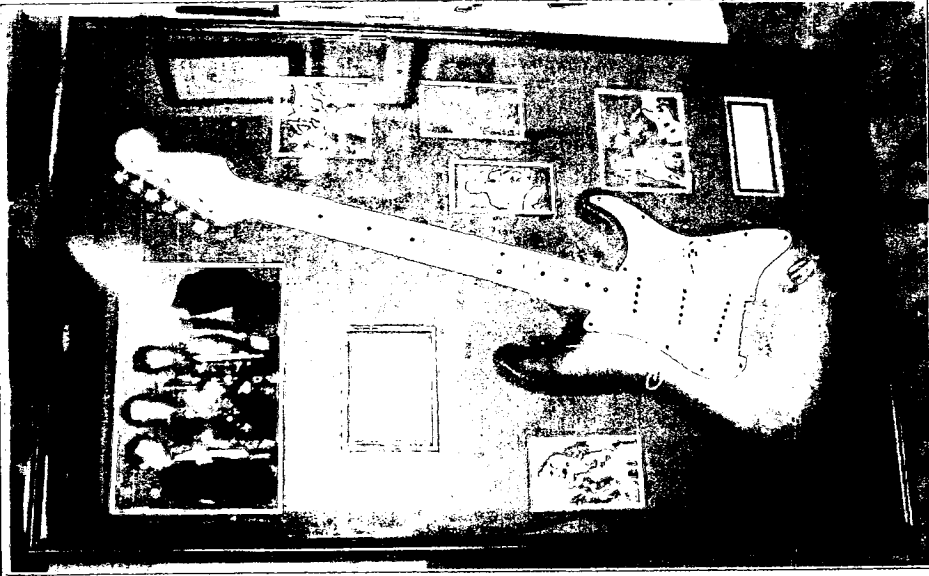




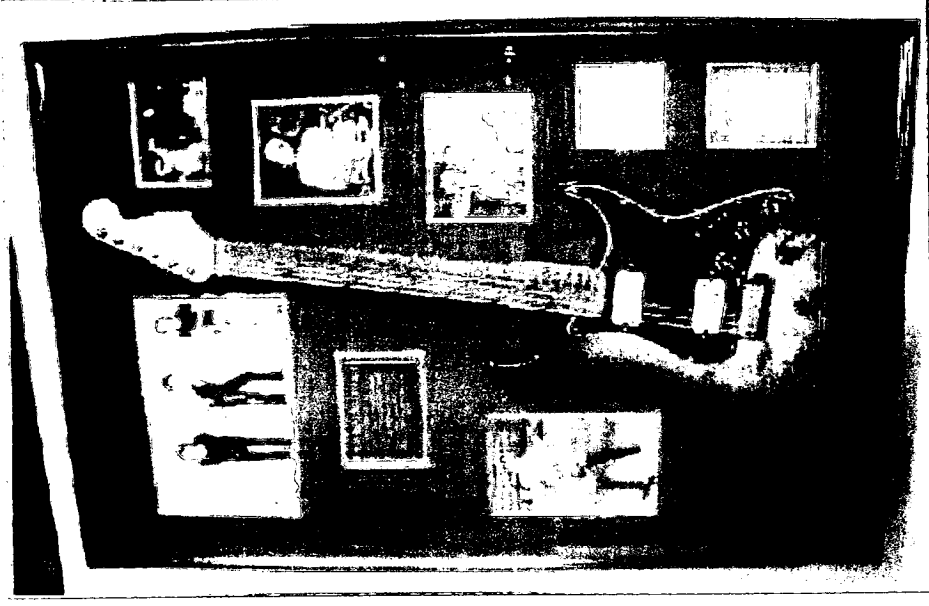


## Rolling Stones Memorabilia

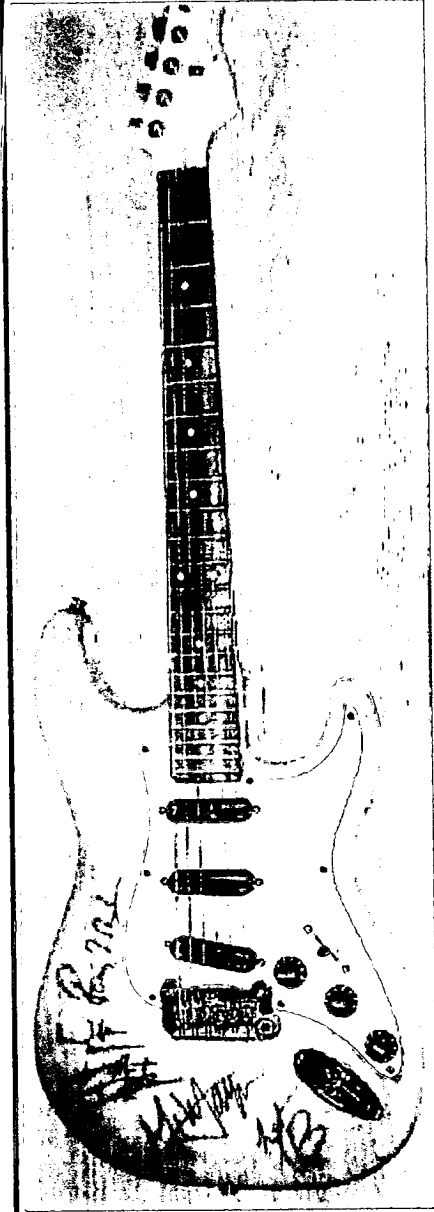




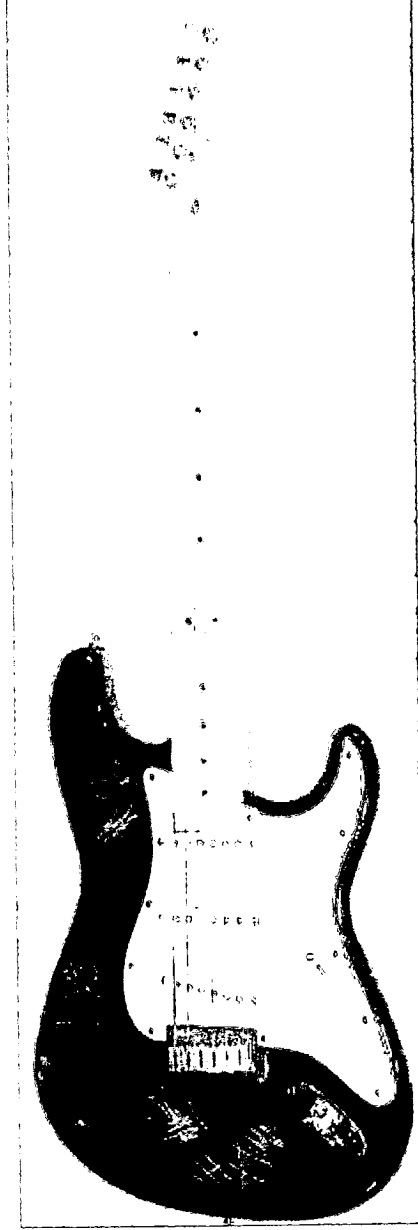
Signed By The Stones Plus Bill Wyman



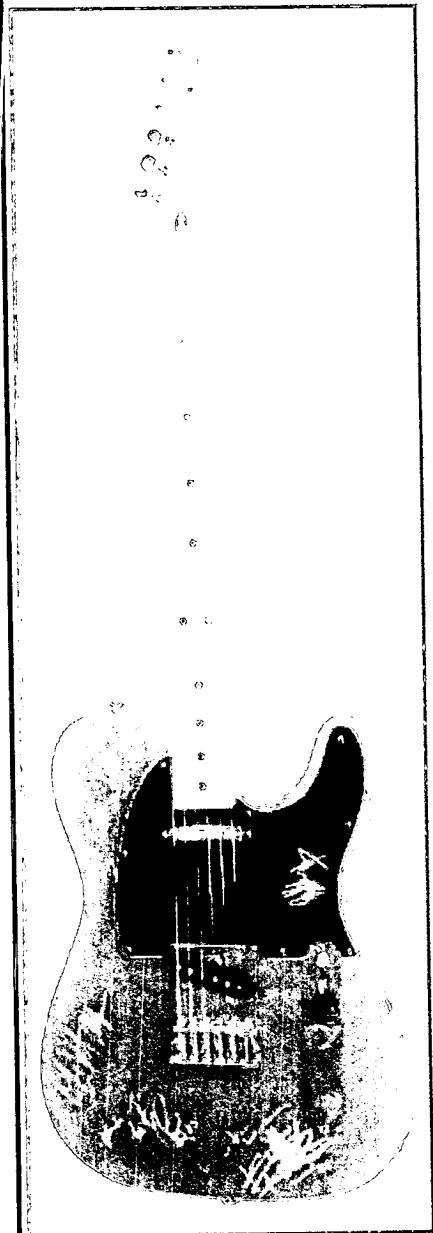
Signed Guitar From "A Bigger Bang"



Rare signed guitar



Signed Guitar



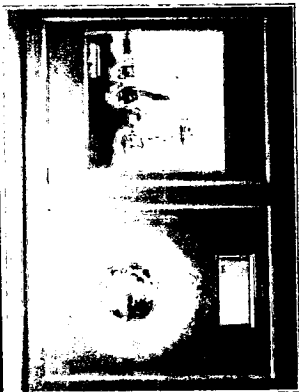
Signed Guitar



A Bigger Bang



Black & Blue



More Hot Rocks



Metamorphosis



Sticky Fingers



Take It So Bad



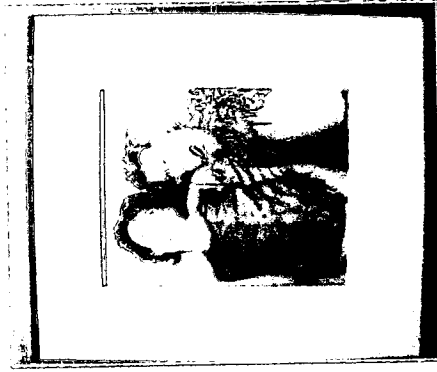
Big Hits



Hand signed photo of Ronnie and Keith



Hand signed by Keith



Hand signed photo of Mick & Keith



Jack Daniels bottle signed by Keith

Fine Art By Ronnie Wood



Stones in Sepia



Flatbed Truck

Limited Edition Fine Art Photography



Hulton Getty



Robert Knight



Gered Mankowitz



Michael Joseph



Ethan Russell

Celebrity Artists	Master Artist	Animation Art	Memorabilia	Photography	Film	Friends
Jewels/Clothing	What's New	Internet Specials	Press Release	Price Alert	Sold Out Alert	Do You Know

Célébrités Galleries  
Celebrities@maui.net



1.800.578.6991 Wailea, HI  
1.800.428.3338 Lahaina, HI





## Trademark Research Report

Client Name: GODBEY GRIFFITHS & REISS

Attention: KIM BRUCE

Date Received: May 27, 2004

Received by: Telephone

Date Completed: June 1, 2004

Mark Searched: IN ROCK WE TRUST

Type of Search: FULL SEARCH

Formatted: By Source

Goods/Services: CLOTHING, JEWELRY, HANDBAGS, LEATHER GOODS, CD STORAGE CASES/COVERS, COMPUTER MOUSEPADS

Deposition of Colleen Noah-Marti  
Deposition Exhibit 9

We have taken all reasonable steps to ensure the completeness and accuracy of this report. However, for various reasons, including the subjective nature of trademark searching and the possibility of incomplete and inaccurate data provided by the United States Patent & Trademark Office and other national trademark offices, the Secretary of States' Offices, and all of the many vendors and publishers of trademark and business information used in compiling search reports, we cannot warrant that this report is complete or error free. AS A RESULT, WE DISCLAIM ALL WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. This search is valid only for the mark and goods noted above. If the mark or goods that were the subject of this search change, even slightly, a new search should be performed.

This research report includes Internet addresses (Universal Resource Locators, or URLs) of citations in the report. We employ a Web Page Lookup process to provide images of the Web pages associated with these URLs. Infrequently, because of the process used to catalog the unstructured information of the Web, it is possible the Web Page Lookup image returned will not relate to the cited URL.

Any liability arising out of the preparation of this report is limited to a refund of the search fee paid. Acceptance of this search constitutes an acceptance of the aforesaid terms, conditions and limitations. This report in no way constitutes a legal opinion. The ranking of cited references into groups based on their relative relevance to the mark searched is for the convenience of our clients in reviewing the search report and is not intended to convey an opinion regarding the legal significance of any cited reference.

## USPTO Summary Page

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
<b>GROUP ONE</b>						
No Group One Matches						
<b>GROUP TWO</b>						
1. ROCKBOY & PAIN TRUST	Pending	16, 25, 28	MINTY FRESH, INC.	SN-78-380,324	19	<input type="checkbox"/>
2. IN ODD WE TRUST	Registered	9	ODDWORLD INHABITANTS	RN-2,231,755 SN-75-375,264	19	<input type="checkbox"/>
3. IN GOLF WE TRUST	Registered	24, 25	IN GOLF WE TRUST	RN-2,078,730 SN-75-056,208	20	<input type="checkbox"/>
4. IN BLUES WE TRUST	Registered	25	HOUSE OF BLUES BRAND	RN-1,981,453 SN-74-480,363	21	<input type="checkbox"/>
5. IN GOOD WE TRUST	Pending	25	REITZFELD, PETER, S.	SN-78-310,673	23	<input type="checkbox"/>
6. IN GOD WE STILL TRUST	Pending	25	LECLAIR, ROBERT, S.	SN-78-320,644	23	<input type="checkbox"/>
7. IN GOD WE MUST TRUST! AS THE YEAR 2000 COMES! OUR ONLY HOPE OF GLORY!	Pending	25	LOPEZ, PAULINO	SN-75-541,083	24	<input type="checkbox"/>
8. DENIM FOUNDATION IN DENIM WE TRUST	Registered	24, 25	ADHOC CONSULTANTS AG	RN-2,366,011 SN-75-639,039	25	<input type="checkbox"/>
9. UNIVERSITY OF OKOBOU 1878 IN GOD WE TRUST EVERYONE ELSE CASH	Renewed	25	THREE SONS, INC., TH	RN-1,112,338 SN-73-126,405	26	<input type="checkbox"/>
10. IN GOD WE TRUST	Abandoned	9, 25, 41	WATTS, INC	SN-75-689,109	26	<input type="checkbox"/>

# IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
11. FLATBROKE IN GOD WE TRUST	Abandoned	9, 25, 41	WATTS, INC.	SN-75-683,386	27	<input type="checkbox"/>
12. IN CARGOS WE TRUST	Abandoned	25	BUGLE BOY INDUSTRIES	SN-75-347,675	28	<input type="checkbox"/>
13. IN DUSTY WE TRUST	Misassigned	25	TOM PASINSKI	SN-78-312,516	29	<input type="checkbox"/>
14. IN FUN WE TRUST	Abandoned	25	JOE BOXER COMPANY, L	SN-78-068,908	29	<input type="checkbox"/>
15. IN HOUSE WE TRUST	Pending	9	DEEP DISH RECORDS, I	SN-76-509,528	30	<input type="checkbox"/>
16. LIBERTY IN GOD WE TRUST	Registered	9	DE LA RUE INC.	RN-2,514,200 SN-75-911,581	31	<input type="checkbox"/>
17. SEMINOLE TRIBE OF FLORIDA, INC. IN GOD WE TRUST	Non registered	B, A, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 200	SEMINOLE TRIBE OF FL	SN-89-001,000	32	<input type="checkbox"/>
18. IN GOLD WE TRUST	Registered	14	SUMER GOLD, LTD.	RN-2,320,744 SN-75-554,923	32	<input type="checkbox"/>
19. IN GOD WE STILL TRUST	Pending	14	LECLAIR, ROBERT S.	SN-78-368,273	33	<input type="checkbox"/>

# IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
20. IN G.D WE TRUST	Pending	25	THE WEEKEND EXERCISE	SN-75-594,430	34	<input type="checkbox"/>
21. HEAVEN ON EARTH IN GOD WE TRUST HOLY BIBLE	Registered	25	JACKSON, CHRISTINE	RN-2,720,388 SN-76-130,482	35	<input type="checkbox"/>
22. IN GOD WE TRUST	Abandoned	16	THANK GOD, INC	SN-75-528,445	35	<input type="checkbox"/>
23. IN GOD WE TRUST LIBERTY 1999	Misassigned	9	GEORGE W. NICHOL	SN-78-036,436	36	<input type="checkbox"/>
24. HONESTENGINE IN MATH WE TRUST	Abandoned	9	VERAX GAMING SERVICE	SN-78-135,512	37	<input type="checkbox"/>
25. MAD MONEY RECORDS CO IN GOD WE TRUST IN CHOPPERS WE BUST 2000 A.D.	Abandoned	41	WHITESIDE, ANTOINE	SN-75-660,507	38	<input type="checkbox"/>
26. IN CLOTHES WE TRUST	Abandoned	25	WEEKEND EXERCISE COM	SN-75-594,429	38	<input type="checkbox"/>
27. IN COMFORT WE TRUST	Abandoned	25	TARYN ROSE INTERNATI	SN-75-821,097	39	<input type="checkbox"/>
28. IN GOD WE TRUST	Abandoned	25, 40	GOD GEAR, INC.	SN-76-253,000	40	<input type="checkbox"/>
29. IN ROD WE TRUST	Abandoned	25	TRISTAR PICTURES, IN	SN-75-251,333	40	<input type="checkbox"/>
30. ROCK IN RIO	Abandoned	25	ROCK STREET EMPREEND	SN-75-310,368	41	<input type="checkbox"/>
31. ROCK IN RIO CAFE	Abandoned	25	ROCK STREET EMPREEND	SN-75-310,369	42	<input type="checkbox"/>
32. US SOLDIERS ROCK WE SALUTE YOU!	Abandoned	25	KREUL, KYLE	SN-78-218,209	43	<input type="checkbox"/>

# IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
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## GROUP THREE

33. ROC	Registered	25, 28	PLAY SPORTS CO. PTY	RN-2,640,040 SN-75-658,205	44	<input type="checkbox"/>
34. ROCK	Pending	14	CARR, MEGAN DEIDRE	SN-76-556,271	45	<input type="checkbox"/>
35. ROCK	Published	25	LEGEND FOOTWEAR, INC	SN-76-499,639	46	<input type="checkbox"/>
36. ROCKY BOOTS	Registered	25	WILLIAM BROOKS SHOE	RN-1,313,519 SN-73-313,429	47	<input type="checkbox"/>
37. TRUST	Registered	9	AASHIMA TECHNOLOGY B	RN-2,523,904 SN-75-651,750	50	<input type="checkbox"/>
38. TRUST	Pending	14, 25	COYLE SEAN M.	SN-78-415,579	52	<input type="checkbox"/>
39. TRUST	Registered	25	MONOBAIK, INC.	RN-1,879,245 SN-74-380,238	52	<input type="checkbox"/>
40. TRUST	Abandoned	9, 41	PAXSON PRODUCTIONS,	SN-76-180,033	53	<input type="checkbox"/>
41. HARD ROCK CAFE	Registered	25	HARD ROCK CAFE INTER	RN-1,872,588 SN-74-478,351	54	<input type="checkbox"/>

## GROUP FOUR

42. WE WILL ROCK YOU	Pending	9, 16, 21, 25, 26, 41	QUEEN PRODUCTIONS LI	SN-76-443,673	56	<input type="checkbox"/>
43. WE WILL ROCK YOU	Pending	9, 16, 21, 25, 26, 41	QUEEN PRODUCTIONS LI	SN-78-381,115	58	<input type="checkbox"/>

# IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
44. TRUST IN JESUS CHRIST	Pending	14, 25	MIZERIK ENTERPRISE,	SN-76-522,938	59	<input type="checkbox"/>
45. TRUST IN US RX YOUR INDEPENDENT PHARMACIST	Pending	21	PRESCRIPTION CONTAIN	SN-76-577,914	60	<input type="checkbox"/>
46. IN GOD I TRUST	Pending	25	DUPUIS, MICHAEL J.	SN-76-497,895	61	<input type="checkbox"/>
47. WE VALUE YOUR TRUST	Pending	14	GOLD STAR JEWELLERY	SN-78-338,733	61	<input type="checkbox"/>
48. ROCKWEAR	Abandoned	25	DEROUIN, GARY	SN-75-214,741	62	<input type="checkbox"/>
49. ROCK ON ROM	Cancelled	9	ROGERSON, GEORGE	RN-2,043,010 SN-75-016,077	63	<input type="checkbox"/>
50. ROCK ON LAS VEGAS	Abandoned	42	GIRALDO, ALBERTO	SN-78-100,432	63	<input type="checkbox"/>
51. ROCKINVASION	Registered	9, 25, 41	MEGA, INC.	RN-2,235,037 SN-75-267,156	64	<input type="checkbox"/>
52. ROCK ME	Pending	25	STOKES, JULIE	SN-78-144,303	65	<input type="checkbox"/>
53. ROCK ME ROLL ME JACKYL ME OFF	Registered	25	DOUBLE DAWG TOURING,	RN-2,715,565 SN-76-425,143	65	<input type="checkbox"/>
54. ROCKIT	Pending	18	LA REGALE LTD.	SN-78-402,226	66	<input type="checkbox"/>
55. ROCKIDS	Published	25	ROCKPORT COMPANY, LL	SN-78-107,100	67	<input type="checkbox"/>
56. ROCK IT ... DON'T STOP IT	Registered	25	LL INTERNATIONAL SHO	RN-2,699,562 SN-76-283,440	67	<input type="checkbox"/>

# IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
57. THE ROCK	Registered	25	SLIPPERY ROCK UNIVER	RN-1,328,626 SN-73-421,912	68	<input type="checkbox"/>
58. ROCKBASS	Pending	15	WILFER, HANS-PETER	SN-76-302,601	69	<input type="checkbox"/>
59. ROCKHOUND	Registered	9, 16	EDUCATIONAL ACTIVITI	RN-2,417,461 SN-75-885,377	70	<input type="checkbox"/>
60. ROCKNROLL	Registered	25	REHBERG, MARTIN KARL	RN-2,578,987 SN-75-365,457	71	<input type="checkbox"/>
61. ROCK THE MIC	Pending	9	CDL SECURITY, INC.	SN-76-518,793	71	<input type="checkbox"/>
62. ROCK-A-BYE	Pending	9	HAWTHORNE, GRACE, H.	SN-78-277,053	73	<input type="checkbox"/>
63. READY ROCK RECORDS	Registered	9	READY ROCK PRODUCTIO	RN-2,572,836 SN-76-041,770	73	<input type="checkbox"/>
64. PIONEERS OF ROCK	Pending	9, 16, 21, 25, 28, 41	SABATINO DAY INC.	SN-78-396,071	74	<input type="checkbox"/>
65. ROCK N ROYAL	Pending	18, 25	DAVIS, ARTHUR H.	SN-78-186,748	75	<input type="checkbox"/>
66. ROCK THE MIC	Pending	18	CDL SECURITY, INC.	SN-76-518,795	76	<input type="checkbox"/>
67. ROCK N BLUE	Registered	18, 25	SAKI AB	RN-2,213,706 SN-75-199,963	77	<input type="checkbox"/>
68. KIDS ROCK FREE	Registered	16, 21, 25, 28	FENDER MUSEUM OF THE	RN-2,622,896 SN-75-982,328	78	<input type="checkbox"/>
69. ROCK SOUP	Published	25	HASKIN, STUART	SN-76-530,567	79	<input type="checkbox"/>



## IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
70. ROCK STEADY	Registered	25, 41, 42	ROCK STEADY SECURITY	RN-2,599,985 SN-75-822,593	79	<input type="checkbox"/>
71. TRIKER ROCK THE STREETS	Pending	12, 25, 41	TOY VISION TRADING B	SN-78-348,272	81	<input type="checkbox"/>
72. TOP OF THE ROCK	Registered	25, 41, 42	BIG CEDAR, L.L.C.	RN-2,081,858 SN-74-505,373	81	<input type="checkbox"/>
73. SHAKESPEARE BIRTHPLACE TRUST	Published	3, 4, 9, 14, 16, 24, 25, 26, 27, 36, 41	THE SHAKESPEARE BIRT	SN-78-056,686	83	<input type="checkbox"/>
74. FAST TAX TRUST SERVICES	Pending	9, 35	THOMSON PROFESSIONAL	SN-76-545,538	85	<input type="checkbox"/>
75. GO4BROKE TILL DEATH DO WE STOP	Registered	25	HORNE, MICHAEL	RN-2,288,484 SN-75-378,768	86	<input type="checkbox"/>
76. ORDERTRUST	Registered	35	ODERTRUST, INC.	RN-2,449,515 SN-75-442,066	86	<input type="checkbox"/>
77. PERFORMANCE YOU CAN TRUST	Pending	9	ELECTRO SOURCE, LLC	SN-78-291,981	88	<input type="checkbox"/>
78. THE CONSERVATION LAND TRUST	Registered	9, 16, 18, 25, 36, 41, 42	CONSERVATION LAND TR	RN-2,498,786 SN-75-688,351	89	<input type="checkbox"/>
79. BABIES LOVE US MOMS TRUST US	Pending	9	DISNEY ENTERPRISES,	SN-78-241,856	91	<input type="checkbox"/>
80. BEARS AND HARES YOU CAN TRUST	Pending	3, 14, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30	BOYDS COLLECTION, LT	SN-76-240,654	91	<input type="checkbox"/>

# IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
81. BABIES LOVE US MOMS TRUST US	Pending	18	DISNEY ENTERPRISES,	SN-78-241,858	92	<input type="checkbox"/>
82. TRUST YOUR INSTINCT	Registered	25	INSTINCT SPORTSWEAR,	RN-2,689,991 SN-76-233,397	93	<input type="checkbox"/>
83. JUST TRUST YOURSELF!	Registered	25	HANSEN, GUY C.	RN-2,443,676 SN-75-521,266	94	<input type="checkbox"/>
84. JUST TRUST YOURSELF! ANTI-DRUG FUND	Registered	25	LOCKED IN THE ZONE,	RN-2,194,192 SN-75-213,567	95	<input type="checkbox"/>
85. DON'T TRUST ANYONE UNDER 50	Pending	25	POTOKAR, STEVE	SN-76-345,422	95	<input type="checkbox"/>
86. SHOULD I TRUST YOU? HELL NO!	Pending	25	TERRY, GENISH BARNET	SN-76-586,035	96	<input type="checkbox"/>
87. THRUST YOU CAN TRUST	Registered	25	MAHER, PHYLLIS A.	RN-2,596,009 SN-78-011,880	97	<input type="checkbox"/>
88. MISS SANG'S TRUST FUND BABY	Pending	25	CARDEN TRAN	SN-78-406,744	98	<input type="checkbox"/>
89. FUTURETRUST	Published	35, 36	CAVE SPRINGS, INC.	SN-78-183,886	99	<input type="checkbox"/>
90. PEOPLEYOU TRUST.COM	Published	35	PEOPLEYOU TRUST.COM,	SN-76-065,321	100	<input type="checkbox"/>
91. TRUST INFO	Registered	35, 38, 42	CHAMBRE DE COMMERCE	RN-2,511,512 SN-75-743,196	101	<input type="checkbox"/>
92. TRUST ME	Registered	25	CALIFORNIA DENIM RES	RN-2,307,375 SN-75-576,805	102	<input type="checkbox"/>
93. TRUST HIM	Registered	12, 25	HIS 10' INC.	RN-2,582,361 SN-78-050,192	103	<input type="checkbox"/>

# IN ROCK WE TRUST

Citation	Status	Class(es)	Owner	Reg/Serial Number	Page	Record of Interest
94. TRUST US FOR LIFE	Registered	9	DIFCO PERFORMANCE FA	RN-2,410,929 SN-75-137,616	104	<input type="checkbox"/>
95. TRUST US FOR LIFE	Registered	24	DOMINION TEXTILE INC	RN-2,269,916 SN-75-978,289	105	<input type="checkbox"/>
96. TRUSTMAN HMS JOB WELL DONE	Pending	3, 7, 8, 9, 25, 37, 42	THS HOLDING, LLC	SN-78-403,314	105	<input type="checkbox"/>
<b>GROUP FIVE</b>						
97. TOKEN IN ROCK WE TRUST	Abandoned	35	RUSSELL BIRTOLA OF T	SN-75-709,185	107	<input type="checkbox"/>
98. WOMEN IN ROCK	Abandoned	41	WOMEN IN ROCK, INC.	SN-78-148,971	107	<input type="checkbox"/>
99. YEAR IN ROCK	Cancelled	41	VIACOM INTERNATIONAL	RN-2,002,267 SN-74-616,092	108	<input type="checkbox"/>
100. CLASSIC ALBUMS THE GREATEST RECORDS IN ROCK HISTORY	Abandoned	41	EAGLE ROCK ENTERTAIN	SN-75-348,666	110	<input type="checkbox"/>
101. GROWING INVESTMENTS LIBERTY IN GOD WE TRUST	Cancelled	31	MACKENZIE, DAVID	RN-2,026,268 SN-74-540,352	111	<input type="checkbox"/>
102. WOMEN IN ROCK	Registered	35	CLIFFORD, CATHERINE	RN-2,818,541 SN-78-130,333	112	<input type="checkbox"/>
103. JOHN STONE STONE AS IN ROCK ROCK AS IN ROCK AND ROLL	Pending	35	HEAVRIN, DONALD M.	SN-76-464,863	112	<input type="checkbox"/>
104. THE HEART IN ROCK 'N ROLL	Registered	41	CONLAN, LAWRENCE F.	RN-2,235,842 SN-75-422,973	113	<input type="checkbox"/>
105. THE BEST IN ROCK & ROLL	Cancelled	42	ORION DISTRIBUTING,	RN-1,700,031 SN-74-134,592	114	<input type="checkbox"/>



**IN ROCK WE TRUST**

WYOMING PARTNERSHIP  
103 E. 5TH AVE.  
CHEYENNE, WYOMING 82001

**Filing Correspondent:**

DEAN P. EDMUNDSON  
1136 E STUART ST STE 2160  
FT COLLINS CO 80525

Ref: 4  
Group Two

**IN BLUES WE  
TRUST**

**IN BLUES WE TRUST**

**Status:** REGISTERED  
USE APPLICATION - CURRENT

**USPTO Status:** SECTION 8 & 15 - ACCEPTED AND ACKNOWLEDGED  
**USPTO Status Date:** APR 17, 2002

**Chronology:**

**Filed:** JAN 18, 1994      **Serial Number:** 74-480,363  
**Published For Opposition:** AUG 30, 1994  
**Registered:** JUN 18, 1996      **Registration Number:** 1,981,453  
**Affidavit Section:** REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC.  
15 ACK. APR 17, 2002

**Goods/Services:**

**International Class 25:** CLOTHING; NAMELY, SHIRTS, HATS,  
JACKETS  
**First Used:** NOV 01, 1994 (INTL. CL. 25)  
**In Commerce:** NOV 01, 1994

**Registrant:**

HOUSE OF BLUES BRANDS CORP.  
DELAWARE CORPORATION  
114 MT. AUBURN STREET  
CAMBRIDGE, MASSACHUSETTS 02138

**Assignor:** HOUSE OF BLUES BRANDS CORP.  
DELAWARE CORPORATION  
**Signed:** MAR 09, 1998

**Brief:** SECURITY INTEREST

**Recorded:** MAR 23, 1998

**Reel/Frame:** 1705/0001

**Correspondent:** FULBRIGHT & JAWORSKI L.L.P.

DAVID H. TANNENBAUM  
2200 ROSS AVENUE, SUITE 2800

DALLAS, TX 75201      Deposition of Colleen Noah-Marti  
Deposition Exhibit 10

**Assignee:** S.A. BLUES PARTNERS, L.P.  
TEXAS LIMITED PARTNERSHIP  
5121 BROADWAY  
SAN ANTONIO, TEXAS 79209

**Assignor:** HOUSE OF BLUES BRANDS CORP. CORPORATION  
**Signed:** SEP 10, 1999

**Brief:** SECURITY AGREEMENT

**Recorded:** NOV 24, 2000

**Reel/Frame:** 2196/0132

**Correspondent:** PENELOPE AGODOA  
SUITE 101  
400 SEVENTH ST., NW  
WASHINGTON, DC 20004

**Assignee:** BANK OF AMERICA, NATIONAL ASSOCIATION AS  
ADMINISTRATIVE AGENT AND COLLATERAL AGENT  
CALIFORNIA CORPORATION  
555 SOUTH FLOWER STREET, 11TH FL.  
LOS ANGELES, CALIFORNIA 90071

**Assignor:** S.A. BLUES PARTNERS, L.P. LIMITED PARTNERSHIP  
**Signed:** JAN 09, 2003

**Brief:** RELEASE OF COLLATERAL ASSIGNMENT OF TRADEMARKS

**Recorded:** JAN 21, 2003

**Reel/Frame:** 2663/0223

**Correspondent:** AKIN, GUMP, STRAUSS ET.AL.  
KIRT S. O'NEIL  
POST OFFICE BOX 12870  
SAN ANTONIO, TX 78212

**Assignee:** HOUSE OF BLUES BRANDS CORP.  
DELAWARE CORPORATION  
6255 SUNSET BOULEVARD, 16TH FL.  
HOLLYWOOD, CALIFORNIA 90028

**Filing Correspondent:**

KIRT S O'NEILL  
AKIN GUMP STRAUSS HAUER & FELD LLP  
300 CONVENT ST STE 1500  
SAN ANTONIO TX 78205-3711





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Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78691130	IN GOD WE TRUST	TARR	LIVE
2	78686623	IN QUADS WE TRUST	TARR	LIVE
3	78644090	IN BEAUTY WE TRUST	TARR	LIVE
4	78348561	2970210 TOOL TROLLEY, LLC WWW.TOOLTROLLEY.COM TOOL TROLLEY MADE IN USA HAND-HELD POWER TOOL TROLLEYS FOR IMPROVED ACCURACY AND SAFETY IN GOD WE TRUST	TARR	LIVE
5	78441161	IN ROCK WE TRUST	TARR	LIVE
6	78441158	IN ROCK WE TRUST	TARR	LIVE
7	78441156	IN ROCK WE TRUST	TARR	LIVE
8	78368273	IN GOD WE STILL TRUST	TARR	LIVE
9	78319274	2965001 MISS CHRISTIAN AMERICA IN GOD WE TRUST	TARR	LIVE
10	78654325	IN PIZZA WE TRUST	TARR	LIVE
11	78412598	THE SEMINOLE TRIBE OF FLORIDA, INC. IN GOD WE TRUST	TARR	LIVE
12	78579514	THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST EST. 2002	TARR	LIVE
13	78560874	THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST TEMPE, AZ EST. 2002	TARR	LIVE
14	78560758	THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST TEMPE, AZ EST. 2002	TARR	LIVE
15	78597134	IN GOOD TIMES WE TRUST THE LIBRARY BAR & GRILL IN GOOD TIMES WE TRUST EST. 2002	TARR	LIVE
16	78584785	IN BLUES WE TRUST	TARR	LIVE
17	78287068	2927850 SCAM-CO.'S REAL "I LOVE YOU" PENNY LINCOLN LOOKS AT HEART WITH THREE MOST IM-PORTANT WORDS EN-GRAVED WITHIN. EXCEL-LENT GIFT FOR SOMEONE SPECIAL. 5996. LOVE PENNY. EACH 65 . 3 FOR \$1.50 IN GOD WE TRUST LIBERTY I LOVE YOU 2004 D	TARR	LIVE
18	78310673	IN GOOD WE TRUST	TARR	LIVE
19	78480864	IN BRUSH WE TRUST THE TOOTH OF THE LIBERTY	TARR	LIVE
20	78455605	IN PROCESS ONE WE TRUST	TARR	LIVE
21	78084308	THE IN GOD WE TRUST BEAR	TARR	LIVE
22	78320644	IN GOD WE STILL TRUST	TARR	LIVE
23	78066777	2684757 MARGARITA MASTERS IN LIME WE TRUST PARTY ANIMAL	TARR	LIVE
24	78031923	2670291 IN COD WE TRUST	TARR	LIVE
25	78025723	2703212 DOGMA IN DOGS WE TRUST GOURMET DOG BAKERY & BOUTIQUE	TARR	LIVE
26	76610232	IN TEA WE TRUST	TARR	LIVE
27	76641975	IN KIDS WE TRUST. ONE CARING KIDS CONTRIBUTION. KIDS CHANGE.	TARR	LIVE
28	76580314	2951132 IN GOD WE TRUST - ALL OTHERS WE TEST	TARR	LIVE
29	76633342	IN GROMS WE TRUST	TARR	LIVE
30	76633167	IN GOD WE MUST TRUST	TARR	LIVE
31	76626939	CHRIST IN WHOM WE ALL TRUST	TARR	LIVE



32	76509528	2878675	IN HOUSE WE TRUST.	TARR	LIVE
33	76599131		MCGOVERN'S TAVERN - "IN GOD WE TRUST ALL OTHERS PAY!"	TARR	LIVE
34	76042766	2516726	IN GOD WE TRUST	TARR	LIVE
35	76042703	2516724	THE NICKEL CARD IN GOD WE TRUST	TARR	LIVE
36	76496620		VPDU VIDEO PRODUCTS DISTRIBUTORS INC. UNIVERSITY FOUNDED 2003 "IN WOW WE TRUST"	TARR	LIVE
37	76496618		IN WOW WE TRUST	TARR	LIVE
38	76142103	2782363	IN BEARS WE TRUST	TARR	LIVE
39	76328320	2751933	INDIA GROCERS IG WE TRUST IN GOD	TARR	LIVE
40	76226539	2617340	IN GOD WE TRUST LIBERTY 1989 KC	TARR	LIVE
41	76130482	2720388	HEAVEN ON EARTH IN GOD WE TRUST HOLY BIBLE	TARR	LIVE
42	76032953	2638115	FLORIDA SHERIFFS ASSOCIATION IN GOD WE TRUST	TARR	LIVE
43	75911581	2514200	LIBERTY IN GOD WE TRUST	TARR	LIVE
44	75272613	2229968	MONEY MAGIC INC IN GOD WE TRUST	TARR	LIVE
45	75541083		IN GOD WE MUST TRUST! AS THE YEAR 2,000 COMES! OUR ONLY HOPE OF GLORY!	TARR	LIVE
46	75960001	2889443	N.Y. DIMEPIECES BEAUTY WITHIN IN GOD WE TRUST	TARR	LIVE
47	75107768	2050935	IN BLUES WE TRUST	TARR	LIVE
48	75375264	2231755	IN ODD WE TRUST	TARR	LIVE
49	75123231	2113666	"IN FRIES WE TRUST"	TARR	LIVE
50	75123229	2117541	"IN FRIES WE TRUST"	TARR	LIVE

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Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
51 75823022	2440359	FIVELINE IN GOD WE TRUST LIBERTY 1999	TARR	LIVE
52 75704615	2359917	IN GOD WE TRUST AMERICAN MERCANTILE EXCHANGE	TARR	LIVE
53 75639039	2366011	DENIM FOUNDATION IN DENIM WE TRUST	TARR	LIVE
54 75594430		IN G.D WE TRUST	TARR	LIVE
55 75554923	2320744	IN GOLD WE TRUST	TARR	LIVE
56 75525697	2306632	IN PETS WE TRUST PASSPORT	TARR	LIVE
57 74325202	1880102	UNIVERSITY OF FLORIDA 1853 CIVIUM IN MORIBUS REI PUBLICAE SALUS IN GOD WE TRUST	TARR	LIVE
58 74480363	1981453	IN BLUES WE TRUST	TARR	LIVE
59 74287932	1799536	IN BAGELS WE TRUST	TARR	LIVE
60 74284065	1879339	FREDDIE & THE FLIPSIDE IT MOVES IT SOOTHES IT GROOVES IN FUNK WE TRUST F	TARR	LIVE
61 73265780	1203148	IN TRAVERS WE TRUST	TARR	LIVE
62 73818528	1781776	MR. GOODCENTS SUB-SANDWICHES PASTAS LIBERTY IN GOD WE TRUST 1989 KC	TARR	LIVE
63 89001000		SEMINOLE TRIBE OF FLORIDA, INC. IN GOD WE TRUST	TARR	LIVE

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## Typed Drawing

**Word Mark** IN HOUSE WE TRUST.

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: series of musical sound recordings, pre-recorded compact discs, audio cassettes, digital video discs, phonograph records and digital audio files featuring music. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960100

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76509528

**Filing Date** April 25, 2003

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** June 8, 2004

**Registration Number** 2878675

**Registration Date** August 31, 2004

**Owner** (REGISTRANT) Deep Dish Records, Inc. CORPORATION D.C. c/o Kurosh Nasser, Esq. 3207a M Street, N.W., 3rd Floor Washington D.C. 20007

**Attorney of Record** Kurosh Nasser

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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Typed Drawing

Word Mark	IN COD WE TRUST
Goods and Services	IC 042, US 100 101, G & S: Restaurant Services. FIRST USE: 20020410. FIRST USE IN COMMERCE: 20020410
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78031923
Filing Date	October 23, 2000
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 10, 2001
Registration Number	2670291
Registration Date	December 31, 2002
Owner	(REGISTRANT) A SALT & BATTERY, LLC Limited Liability Company NEW YORK 112 Greenwich Avenue New York NEW YORK 10011
Attorney of Record	Steven M. Kaplan
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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<b>Word Mark</b>	IN GOD WE TRUST
<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: prepaid telephone calling card services. FIRST USE: 19981230. FIRST USE IN COMMERCE: 19981230
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	010103 010110 010111 240701 240905
<b>Serial Number</b>	76042766
<b>Filing Date</b>	May 8, 2000
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 18, 2001
<b>Registration Number</b>	2516726
<b>Registration Date</b>	December 11, 2001
<b>Owner</b>	(REGISTRANT) Ultimate Communications, Inc. CORPORATION TEXAS 10400 Westoffice Dr., Suite 112 Houston TEXAS 77042
<b>Attorney of Record</b>	Guy E. Matthews
<b>Description of Mark</b>	The mark is lined for the color(s) red, blue and silver.
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## Typed Drawing

**Word Mark** IN BEARS WE TRUST

**Goods and Services** IC 035. US 100 101 102. G & S: mail order, retail store, mail order catalog services, wholesale and retail distributorship and store services in the field of stuffed toy animals and plush toy animals, dolls and accessories therefor, including sales over the Internet; product demonstrations on toy making. FIRST USE: 20030127. FIRST USE IN COMMERCE: 20030127

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76142103

**Filing Date** October 6, 2000

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** June 19, 2001

**Registration Number** 2782363

**Registration Date** November 11, 2003

**Owner** (REGISTRANT) ADOPT-A-BEAR FACTORY, L.L.C. LIMITED LIABILITY COMPANY LOUISIANA 628 GAYNELL STREET HOUMA LOUISIANA 70364

**Attorney of Record** Seth M. Nehrbass

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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## Typed Drawing

**Word Mark** IN BLUES WE TRUST  
**Goods and Services** IC 042. US 100 101. G & S: restaurant and bar services. FIRST USE: 19921100. FIRST USE IN COMMERCE: 19921100  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75107768  
**Filing Date** May 21, 1996  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** January 14, 1997  
**Registration Number** 2050935  
**Registration Date** April 8, 1997  
**Owner** (REGISTRANT) House of Blues Brands Corp. CORPORATION DELAWARE 8439 Sunset Boulevard, Suite 107 West Hollywood CALIFORNIA 90069  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** KIRT S. O'NEIL  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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## Typed Drawing

Word Mark IN ODD WE TRUST

Goods and Services IC 009. US 021 023 026 036 038. G &amp; S: computer game programs; computer game programs recorded on CD-ROM. FIRST USE: 19970919. FIRST USE IN COMMERCE: 19970919

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75375264

Filing Date October 17, 1997

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 22, 1998

Registration Number 2231755

Registration Date March 16, 1999

Owner (REGISTRANT) Oddworld Inhabitants, Inc. CORPORATION DELAWARE 869 Monterey Street San Luis Obispo CALIFORNIA 934013224

Attorney of Record WILLIAM O. FERRON, JR.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Typed Drawing

<b>Word Mark</b>	"IN FRIES WE TRUST"
<b>Goods and Services</b>	IC 042. US 100 101. G & S: restaurant services. FIRST USE: 19951021. FIRST USE IN COMMERCE: 19951021
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75123231
<b>Filing Date</b>	June 21, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 26, 1997
<b>Registration Number</b>	2113666
<b>Registration Date</b>	November 18, 1997
<b>Owner</b>	(REGISTRANT) GINSBURG, MARK INDIVIDUAL UNITED STATES 31 CONKLIN TERRACE EAST HAMPTON NEW YORK 119372292
<b>Attorney of Record</b>	JAMES L. BIKOFF
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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## Typed Drawing

**Word Mark** "IN FRIES WE TRUST"

**Goods and Services** IC 029, US 046, G & S: processed foods, namely, potatoes prepared for human consumption. FIRST USE: 19951021. FIRST USE IN COMMERCE: 19951021

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75123229

**Filing Date** June 21, 1996

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** September 9, 1997

**Registration Number** 2117541

**Registration Date** December 2, 1997

**Owner** (REGISTRANT) GINSBURG, MARK INDIVIDUAL UNITED STATES 31 CONKLIN TERRACE EAST HAMPTON NEW YORK 119372292

**Attorney of Record** JAMES L. BIKOFF

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

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## Typed Drawing

**Word Mark** IN GOLD WE TRUST

**Goods and Services** IC 014, US 002 027 028 050, G & S: jewelry and precious metalware, all of which are made of wholly or in substantial part of gold, namely, rings, charms, bracelets, earrings, necklaces, and other similar types of personal jewelry. FIRST USE: 19970303. FIRST USE IN COMMERCE: 19970615

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75554923

**Filing Date** September 17, 1998

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** November 30, 1999

**Registration Number** 2320744

**Registration Date** February 22, 2000

**Owner** (REGISTRANT) SuMer Gold, Ltd. CORPORATION NEW YORK 33 West 46th Street, 4th Floor New York NEW YORK 10036

**Attorney of Record** JEFFREY E. JACOBSON

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GOLD" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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## Typed Drawing

Word Mark IN BLUES WE TRUST  
Goods and Services IC 025, US 022 039, G & S: clothing; namely, shirts, hats, jackets. FIRST USE: 19941101. FIRST USE IN COMMERCE: 19941101  
Mark Drawing Code (1) TYPED DRAWING  
Serial Number 74480363  
Filing Date January 18, 1994  
Current Filing Basis 1A  
Original Filing Basis 1B  
Published for Opposition August 30, 1994  
Registration Number 1981453  
Registration Date June 18, 1996  
Owner (REGISTRANT) House of Blues Brands Corp. CORPORATION DELAWARE 114 Mt. Auburn Street Cambridge MASSACHUSETTS 02138  
Assignment Recorded ASSIGNMENT RECORDED  
Attorney of Record KIRT S O'NEILL  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Affidavit Text SECT 15, SECT 8 (6-YR).  
Live/Dead Indicator LIVE

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## Typed Drawing

**Word Mark** IN BAGELS WE TRUST  
**Goods and Services** IC 030, US 046, G & S: bagels. FIRST USE: 19920617, FIRST USE IN COMMERCE: 19920617  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 74287932  
**Filing Date** June 24, 1992  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** July 27, 1993  
**Registration Number** 1799536  
**Registration Date** October 19, 1993  
**Owner** (REGISTRANT) BAGELS FOREVER, INC. DBA 1ST NATIONAL BAGEL COMPANY CORPORATION WISCONSIN 2947  
University Avenue Madison WISCONSIN 53705  
**Attorney of Record** JILL ANDERFUREN  
**Prior Registrations** 1598846  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAGELS" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15, SECT 8 (6-YR), SECTION 8(10-YR) 20030903.  
**Renewal** 1ST RENEWAL 20030903  
**Live/Dead Indicator** LIVE

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**Word Mark** IN TRAVERS WE TRUST  
**Goods and Services** IC 042. US 101. G & S: Retail and Wholesale Mail Order Services in the Field of Rare Coins. FIRST USE: 19800411. FIRST USE IN COMMERCE: 19800411  
**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
**Serial Number** 73265780  
**Filing Date** June 9, 1980  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** May 4, 1982  
**Registration Number** 1203148  
**Registration Date** July 27, 1982  
**Owner** (REGISTRANT) Travers; Scott A. d.b.a. Scott Travers Rare Coin Galleries INDIVIDUAL UNITED STATES F.D.R. Station, P.O. Box 1711 New York NEW YORK 101501711  
**Attorney of Record** ARNOLD I RADY  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20021018.  
**Renewal** 1ST RENEWAL 20021018  
**Live/Dead Indicator** LIVE

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## IN GOD WE TRUST

Word Mark	IN GOD WE TRUST
Goods and Services	IC 036. US 100 101 102. G & S: Credit and cash card services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78691130
Filing Date	August 11, 2005
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Healthynations Int., LLC LTD LIAB CO DELAWARE 1781 Liberty Street SE Salem OREGON 97302
Attorney of Record	David J. Simonelli
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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## IN QUADS WE TRUST

**Word Mark** IN QUADS WE TRUST  
**Goods and Services** IC 025. US 022 039. G & S: Clothing, namely, T-shirts, knit shirts, button-front shirts, pull-over shirts, blouses, sweaters, vests, jackets, coats, shorts, casual pants, jeans, socks, boots, gloves, hats, camps, and bandanas  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 78686623  
**Filing Date** August 5, 2005  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B  
**Owner** (APPLICANT) Woodlark Circle, Inc. CORPORATION PENNSYLVANIA 2261 Woodlark Circle Bethlehem PENNSYLVANIA 18017  
**Attorney of Record** Samuel W. Apicelli  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# IN BEAUTY WE TRUST

Word Mark IN BEAUTY WE TRUST

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: personal care products, namely, after shave, after shave balm, age spot lightener, antiperspirant, aromatic shower steam, astringent for the face, astringent for the skin, bath beads, bath cream, bath cubes, bath fizzies, bath foam, bath milk, bath oil, bath salts, bath soaks, blemish corrector, blemish stick, blush, body balm, body bar, body butter, body cream, body essence, body gel, body glitter, body jewels, body lotion, body luster, body mask, body mist, body oil, body paint, body powder, body scrub, body smoother, body soap, body splash, body wash, bubble bath, buffing bar, cologne, concealer, cream body wash, cream cleanser, cuticle cream, cuticle cream stick, cuticle oil pen, deodorant, eau de toilette, essential oils, exfoliator for the feet, eye block, eye brow liner, eye cream, eye gel, eye liner, eye mask, eye repair, eye shadow, eye treatment preparation, face balm, face block, face cleanser, face cream, face gel, face lotion, face mask, face mist, face moisturizer, face polisher, face powder, face scrub, face soap, face wash, facial cloths, firming lotion treatment, foam bath, foot cream, foot lotion, foot powder, foot scrub, foot soak, foot spray, foundation, gel face wash, glycerin soap, hair conditioner, hair detangler, hair dye, hair gel, hair glitter, hair inhibitor lotion, hair mascara, hair mist, hair pomade, hair reconstructor, hair removing cream, hair repair, hair rinse, hair shampoo, hair shine serum, hair spray, hair straightener, hair styling mousse, hand balm, hand cleansing spray, hand cream, hand exfoliator, hand lotion, hand renewer, hand soap, hand wash, nasal inhaler, leg bronzer, leg refresher, line prevention concentrate, line prevention serum, line reducing concentrate, line reducing serum, lip balm, lip block, lip gloss, lip liner, lip paint, lip protector, lip shine, lip stick, lip tint, lip treatment preparation, mascara, massage cream, massage lotion, massage oil, mineral bath, mood enhancing massage ointment, mood enhancing mist, mood enhancing skin cream, muscle soak, nail corrector pen, nail cream, nail polish, nail polish remover, nail stencils, night eye cream, night nourishing cream, oil blotting sheets for the skin, oil spray, penetrating rub, perfume, perfume oils, pillow mist, post-suntanning lotion for the body, potpourri, powder for the feet, pre-suntanning lotion for the body, pulse point cream, pulse point therapy, pumice stones for personal use, refills for electric room fragrance dispensers, room fragrance spray, sachets, salt scrub, sea salt exfoliator, self tanning preparation, shaving cream, shea butter hand cream, shea butter treatment stick, shimmer body lotion, shimmer body puff, shower cream, shower foam, shower gel, shower scrub, skin bronzing cream, skin cleansing wipes, skin cream, skin exfoliator, skin lotion, skin mattifier, skin moisturizer, skin polisher, skin scrub, skin serum, smoothing oil, soap, sparkle nail polish, steam inhalator, styling foam, sugar scrub, sun screen, sunblock for the body, sunblock for the face, sunless tanning cream, sunless tanning lotion for the body, sunless tanning lotion for the face, suntan lotion for the body, suntan lotion for the face, talcum powder, under eye patches and vapor ointment

IC 018. US 001 002 003 022 041. G & S: cosmetic bags, clutches, purses, shopping totes

IC 025. US 022 039. G & S: clothing namely, tank shirts, sleep masks, slippers, tee shirts, pants, shorts, robes, pajamas

IC 035. US 100 101 102. G & S: retail store services in the field of personal care and home fragrance products and accessories

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78644090

Filing Date June 6, 2005

00327

**Current  
Filing Basis** 1B

**Original  
Filing Basis** 1B

**Owner** (APPLICANT) Bath & Body Works, Inc. CORPORATION DELAWARE 7 Limited Parkway East Reynoldsburg OHIO 43068

**Type of  
Mark** TRADEMARK, SERVICE MARK

**Register** PRINCIPAL

**Live/Dead  
Indicator** LIVE

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## IN ROCK WE TRUST

<b>Word Mark</b>	IN ROCK WE TRUST
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Clothing for men, women and children, namely, coats, jackets, vests, pants, slacks, trousers, jeans, gym suits, jogging suits, sweat pants, shorts, skirts, dresses, blouses, halter tops, tank tops, t-shirts, sweatshirts, camisoles, under garments, robes, pajamas, socks, head wear, hats, caps, bandanas, scarves, belts, beach coverups
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78441161
<b>Filing Date</b>	June 25, 2004
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 7, 2005
<b>Owner</b>	(APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761
<b>Attorney of Record</b>	Robert Carson Godbey
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## IN ROCK WE TRUST

**Word Mark** IN ROCK WE TRUST  
**Goods and Services** IC 018. US 001 002 003 022 041. G & S: Handbags, shoulder bags, purses, wallets, bill folds, credit card holders, coin purses, tote bags, backpacks, briefcases, attaches, travel bags, duffel bags, satchels, suitcases, key cases, leather key chains  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 78441158  
**Filing Date** June 25, 2004  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** June 7, 2005  
**Owner** (APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761  
**Attorney of Record** Robert Carson Godbey  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## IN ROCK WE TRUST

Word Mark	IN ROCK WE TRUST
Goods and Services	IC 014. US 002 027 028 050. G & S: Jewelry, and belt buckles made of precious metal
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78441156
Filing Date	June 24, 2004
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	June 7, 2005
Owner	(APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761
Attorney of Record	Robert Carson Godbey
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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## IN PIZZA WE TRUST

Word Mark	IN PIZZA WE TRUST
Goods and Services	IC 039. US 100 105. G & S: pizza delivery services. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
	IC 030. US 046. G & S: pizza. FIRST USE: 19971101. FIRST USE IN COMMERCE: 19971101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78654325
Filing Date	June 20, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Madison's Dough Boys Inc. CORPORATION WISCONSIN 2916 Atwood Madison WISCONSIN 53704
Attorney of Record	Amie B. Trupke
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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## IN BLUES WE TRUST

Word Mark	IN BLUES WE TRUST
Goods and Services	IC 041. US 100 101 107. G & S: Casino entertainment services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78584785
Filing Date	March 10, 2005
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) House of Blues Brands Corp. CORPORATION DELAWARE 6255 Sunset Boulevard, 16th Floor Hollywood CALIFORNIA 90028
Attorney of Record	Kirt S. O'Neill
Prior Registrations	1981453;2050935
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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### Typed Drawing

**Word Mark** IN GOOD WE TRUST  
**Goods and Services** IC 025. US 022 039. G & S: Shirts and Hats. FIRST USE: 20030907. FIRST USE IN COMMERCE: 20031003  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 78310673  
**Filing Date** October 7, 2003  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Owner** (APPLICANT) Reitzfeld, Sidney, P. Peter Reitzfeld, U.S. citizen Sidney Reitzfeld, U.S. citizen PARTNERSHIP NEW YORK 4R 256 Bergen St. brooklyn NEW YORK 11217  
 (APPLICANT) Reitzfeld, Peter, S. Peter Reitzfeld, U.S. citizen Sidney Reitzfeld, U.S. citizen PARTNERSHIP NEW YORK 6K 81 Ocean Parkway brooklyn NEW YORK 11218  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Word Mark** IN PROCESS ONE WE TRUST  
**Goods and Services** IC 042. US 100 101. G & S: legal services consisting of but not limited to process serving. FIRST USE: 20040301. FIRST USE IN COMMERCE: 20041220  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 021107 200309 260108 260121  
**Serial Number** 78455605  
**Filing Date** July 23, 2004  
**Current Filing Basis** 1A;1B  
**Original Filing Basis** 1A;1B  
**Owner** (APPLICANT) goodman,henry todd henry todd goodman SOLE PROPRIETORSHIP NEW YORK lower levie 647 franklin avenue garden city NEW YORK 11530  
**Description of Mark** The color(s) copper and black is/are claimed as a feature of the mark. The mark consists of the letters in black and the background in copper.  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# IN TEA WE TRUST

<b>Word Mark</b>	IN TEA WE TRUST
<b>Goods and Services</b>	IC 030. US 046. G & S: coffees and teas
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	76610232
<b>Filing Date</b>	September 7, 2004
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Owner</b>	(APPLICANT) MITEA Inc. CORPORATION ILLINOIS 1855 N. Dayton Street Chicago ILLINOIS 60614
<b>Attorney of Record</b>	Scott J. Slavick
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# IN GROMS WE TRUST

Word Mark IN GROMS WE TRUST  
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: publications/articles within a magazine relating to water surfing. FIRST USE: 20040600. FIRST USE IN COMMERCE: 20040600  
IC 025. US 022 039. G & S: clothing, namely T-shirts. FIRST USE: 20040600. FIRST USE IN COMMERCE: 20040600  
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
Serial Number 76633342  
Filing Date March 9, 2005  
Current Filing Basis 1A  
Original Filing Basis 1A  
Owner (APPLICANT) MUNDORAD LLC LIMITED LIABILITY CORPORATION FLORIDA 2742 Biscayne Boulevard Miami FLORIDA 33137  
Attorney of Record Yat6 K. Cutliff  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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## Typed Drawing

Word Mark	IN WOW WE TRUST
Goods and Services	IC 035. US 100 101 102. G & S: WHOLESALE DISTRIBUTORSHIP OF VIDEO AND AUDIO CASSETTES, TAPES AND DVD'S
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76496618
Filing Date	March 12, 2003
Current Filing Basis	18
Original Filing Basis	18
Published for Opposition	May 11, 2004
Owner	(APPLICANT) Video Products Distributors, Inc. CORPORATION CALIFORNIA 150 Parkshore Drive Folsom CALIFORNIA 95630
Attorney of Record	Peter M. Eichler
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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### Typed Drawing

**Word Mark** IN G.D WE TRUST  
**Goods and Services** IC 025. US 022 039. G & S: Exercise wear, dancewear, and sportswear, namely, bodysuits, catsuits, unitards, jumpsuits, dresses, rompers, tops, bra tops, leotards, sweaters, cardigans, sweat shirts, tee-shirts, jackets, skirts, sweat pants, stirrup pants, shorts, leggings, tights, hosiery, leg warmers, bike tights, ankle tights, belts, swimsuits, hats and headbands  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75594430  
**Filing Date** November 24, 1998  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B  
**Owner** (APPLICANT) The Weekend Exercise Company, Inc. CORPORATION CALIFORNIA 8960 Carroll Way San Diego CALIFORNIA 92121  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Chris Wilson  
**Prior Registrations** 1992172;1994239;2063554;2111175;2137901;2151498;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## IN ROCK WE TRUST

<b>Word Mark</b>	IN ROCK WE TRUST
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Clothing for men, women and children, namely, coats, jackets, vests, pants, slacks, trousers, jeans, gym suits, jogging suits, sweat pants, shorts, skirts, dresses, blouses, halter tops, tank tops, t-shirts, sweatshirts, camisoles, under garments, robes, pajamas, socks, head wear, hats, caps, bandanas, scarves, belts, beach coverups
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78441161
<b>Filing Date</b>	June 25, 2004
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 7, 2005
<b>Owner</b>	(APPLICANT) Celebrities Publishing Corporation CORPORATION HAWAII 328 Front Street Lahaina HAWAII 96761
<b>Attorney of Record</b>	Robert Carson Godbey
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Serial Number: 78441161

Registration Number: (NOT AVAILABLE)

Mark

## IN ROCK WE TRUST

(words only): IN ROCK WE TRUST

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2005-07-18

Filing Date: 2004-06-25

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:  
KRISP JENNIFER MARIE Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-04-25

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### LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Celebrities Publishing Corporation

**Address:**

Celebrities Publishing Corporation  
328 Front Street  
Lahaina, HI 96761  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Hawaii

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### GOODS AND/OR SERVICES

**International Class:** 025

Clothing for men, women and children, namely, coats, jackets, vests, pants, slacks, trousers, jeans, gym suits, jogging suits, sweat

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pants, shorts, skirts, dresses, blouses, halter tops, tank tops, t-shirts, sweatshirts, camisoles, under garments, robes, pajamas, socks, head wear, hats, caps, bandanas, scarves, belts, beach coverups

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**Basis:** 1(b)

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**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

2005-07-18 - Opposition instituted for Proceeding

2005-07-18 - Opposition papers filed

2005-06-07 - Published for opposition

2005-05-18 - Notice of publication

2005-02-17 - Law Office Publication Review Completed

2005-02-17 - Assigned To LIE

2005-02-02 - Approved for Pub - Principal Register (Initial exam)

2005-01-30 - Case file assigned to examining attorney

2004-06-30 - New Application Entered In Tram

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**CORRESPONDENCE INFORMATION**

**Correspondent**

Robert Carson Godbey (Attorney of record)

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SUITE 2300, PAUAHI TOWER 1001 BISHOP STR  
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**Fax Number:** 808-523-8899

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